



HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

# **REPORT ON THE GOVERNMENT'S REPORT TO PARLIAMENT: AUGUST 2020 PROROGATION – COVID-19 PANDEMIC**

**Report of the Standing Committee on Procedure and  
House Affairs**

**Ruby Sahota, Chair**

**JUNE 2021  
43<sup>rd</sup> PARLIAMENT, 2<sup>nd</sup> SESSION**

---

Published under the authority of the Speaker of the House of Commons

**SPEAKER'S PERMISSION**

The proceedings of the House of Commons and its Committees are hereby made available to provide greater public access. The parliamentary privilege of the House of Commons to control the publication and broadcast of the proceedings of the House of Commons and its Committees is nonetheless reserved. All copyrights therein are also reserved.

Reproduction of the proceedings of the House of Commons and its Committees, in whole or in part and in any medium, is hereby permitted provided that the reproduction is accurate and is not presented as official. This permission does not extend to reproduction, distribution or use for commercial purpose of financial gain. Reproduction or use outside this permission or without authorization may be treated as copyright infringement in accordance with the *Copyright Act*. Authorization may be obtained on written application to the Office of the Speaker of the House of Commons.

Reproduction in accordance with this permission does not constitute publication under the authority of the House of Commons. The absolute privilege that applies to the proceedings of the House of Commons does not extend to these permitted reproductions. Where a reproduction includes briefs to a Standing Committee of the House of Commons, authorization for reproduction may be required from the authors in accordance with the *Copyright Act*.

Nothing in this permission abrogates or derogates from the privileges, powers, immunities and rights of the House of Commons and its Committees. For greater certainty, this permission does not affect the prohibition against impeaching or questioning the proceedings of the House of Commons in courts or otherwise. The House of Commons retains the right and privilege to find users in contempt of Parliament if a reproduction or use is not in accordance with this permission.

Also available on the House of Commons website  
at the following address: [www.ourcommons.ca](http://www.ourcommons.ca)

**REPORT ON THE GOVERNMENT'S REPORT  
TO PARLIAMENT: AUGUST 2020  
PROROGATION – COVID-19 PANDEMIC**

**Report of the Standing Committee on  
Procedure and House Affairs**

**Ruby Sahota  
Chair**

**JUNE 2021**

**43<sup>rd</sup> PARLIAMENT, 2<sup>nd</sup> SESSION**

## **NOTICE TO READER**

### **Reports from committees presented 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. Substantive reports on a subject-matter study usually contain a synopsis of the testimony heard, the recommendations made by the committee, as well as the reasons for those recommendations.



# **STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS**

## **CHAIR**

Ruby Sahota

## **VICE-CHAIRS**

John Nater

Alain Therrien

## **MEMBERS**

Daniel Blaikie

Hon. Kirsty Duncan

Mark Gerretsen

Hon. Peter Kent

Stéphane Lauzon

Tom Lukiwski

Hon. Ginette Petitpas Taylor

Ryan Turnbull

Karen Vecchio

## **OTHER MEMBERS OF PARLIAMENT WHO PARTICIPATED**

Charlie Angus

Chris Bittle

Darren Fisher

Peter Fragiskatos

Marilène Gill

Mike Kelloway

Wayne Long

Elizabeth May

Christine Normandin

David Sweet

Sameer Zuberi

**CLERK OF THE COMMITTEE**

Justin Vaive

**LIBRARY OF PARLIAMENT**

**Parliamentary Information, Education and Research Services**

Andre Barnes, Analyst

Laurence Brosseau, Analyst

# **THE STANDING COMMITTEE ON PROCEDURE AND HOUSE AFFAIRS**

has the honour to present its

## **EIGHTEENTH REPORT**

Pursuant to its mandate under Standing Order 32(7), the committee has studied the government's reasons for proroguing Parliament in August 2020 and has agreed to report the following:





## TABLE OF CONTENTS

---

REPORT ON THE GOVERNMENT'S <i>REPORT TO PARLIAMENT: AUGUST 2020</i> <i>PROROGATION – COVID-19 PANDEMIC</i> .....	1
Introduction.....	1
i. Standing Committee on Procedure and House Affairs' study on the government's reasons for proroguing Parliament in August 2020 .....	1
ii. Notable other decisions taken by the Committee for this study.....	2
Background.....	5
A. The Royal Prerogative .....	5
B. Origin of prorogation and its use in Canada's Parliament.....	5
C. Effects of prorogation on parliamentary business.....	8
D. Brief overview of selected past prorogations at the federal Parliament.....	8
E. Historical reasons for proroguing Parliament.....	11
F. Past study on prorogation by the Standing Committee on Procedure and House Affairs .....	13
G. New Standing Order 32(7) .....	13
H. Summary of the government's <i>Report to Parliament: August 2020</i> <i>Prorogation – COVID-19 pandemic</i> .....	14
i. Introduction .....	14
ii. The COVID-19 Pandemic.....	15
iii. Prorogation.....	15
iv. Speech from the Throne .....	16
v. Moving Forward .....	16
vi. Conclusion.....	16
vii. Shortcomings of the report .....	16
I. Chronological overview of key events related to the Canada Student Service Grant's development.....	17
Discussion.....	21
A. August 2020 prorogation.....	21

1. Testimony from the Leader of the Government in the House of Commons.....	22
2. Testimony from Privy Council Office officials.....	23
3. Testimony from academics .....	25
a) Reasons for the August 2020 prorogation .....	25
b) Duration of the prorogation.....	30
c) Testimony from the prime minister .....	30
B. Reforms.....	31
C. Role of the courts.....	33
Findings and recommendations .....	34
Findings.....	34
(a) The COVID-19 pandemic .....	34
(b) Reasons for August 2020 prorogation.....	35
(c) The Committee’s 2020 prorogation study and testimony from prime minister.....	35
Recommendations .....	36
(a) Legislative reforms or status quo .....	36
(b) Procedural reforms .....	36
(c) Extending the Committee’s 2020 prorogation study.....	37
(d) Future study of the Standing Orders .....	37
APPENDIX A.....	39
APPENDIX B - PROROGATIONS OF THE PARLIAMENT OF CANADA FROM 1867 TO THE PRESENT .....	41
APPENDIX C - REPORT TO PARLIAMENT: AUGUST 2020 PROROGATION – COVID-19 PANDEMIC .....	55
APPENDIX D - LIST OF WITNESSES .....	95
APPENDIX E - LIST OF BRIEFS .....	97

REQUEST FOR GOVERNMENT RESPONSE .....	99
DISSENTING OPINION BY THE LIBERAL PARTY OF CANADA .....	101
SUPPLEMENTARY OPINION OF THE CONSERVATIVE PARTY OF CANADA .....	111
SUPPLEMENTARY OPINION OF THE BLOC QUÉBÉCOIS .....	119
SUPPLEMENTARY OPINION OF THE NEW DEMOCRATIC PARTY OF CANADA .....	123





# REPORT ON THE GOVERNMENT'S REPORT TO PARLIAMENT: AUGUST 2020 PROROGATION – COVID-19 PANDEMIC

---

## INTRODUCTION

### **i. Standing Committee on Procedure and House Affairs' study on the government's reasons for proroguing Parliament in August 2020**

On 28 October 2020, the Honourable Pablo Rodriguez, Leader of the Government in the House of Commons, deposited a report to Parliament with the Clerk of the House, pursuant to Standing Order 32(7).<sup>1</sup> The report, which is entitled *Report to Parliament: August 2020 Prorogation – COVID-19 pandemic*, outlined the reasons for the prorogation of the First Session of the 43<sup>rd</sup> Parliament on 18 August 2020. Under Standing Order 32(7), the report was referred to the House of Commons Standing Committee on Procedure and House Affairs (the Committee) for its consideration.

At the Committee's first meeting of this Session, on September 28, 2020, a motion proposing preparations for this study was proposed, but it was ruled out of order by the Chair on 6 October 2020.<sup>2</sup> In her ruling, the Chair indicated that since the report outlining the government's reasons for proroguing was not referred to the Committee or tabled before the House at the time the motion was introduced, conducting a study on the matter was not timely. The Chair further specified that even if one could argue that the study of prorogation was within the Committee's mandate, and that therefore a subject matter study could be initiated prior to receiving an order of reference from the House, some aspects of the motion consisted an overreach, as some of the documentation requested was not "centrally linked" with the Committee's mandate. The Chair therefore ruled that the motion, "at this time and in its current form," was out of order. A motion challenging the Chair's ruling was subsequently moved and defeated.

On 5 November 2020, the Committee adopted the First Report from the Subcommittee on Agenda and Procedure, which contained the following item of business:

---

1 House of Commons, *Journals*, 28 October 2020.

2 House of Commons, *Minutes*, 6 October 2020.



That the committee, upon completion of its study on the conduct of a federal election during the COVID-19 pandemic, initiate a study on the document tabled in the House, pursuant to Standing Order 32(7), and referred to the committee, on the Government's reasons for proroguing parliament in August 2020. In an upcoming meeting, the Committee schedule a business item to discuss when it will commence this study.<sup>3</sup>

On 10 December 2020, the Committee commenced its study of the government's reasons for proroguing Parliament in August 2020, pursuant to Standing Order 32(7) and the motion adopted by the Committee on 5 November 2020.

It held nine meetings and heard from 12 witnesses. The Committee wishes to extend its sincere gratitude to the witnesses for their insights and valuable contributions to this study.

## **ii. Notable other decisions taken by the Committee for this study**

Several notable motions were moved by members of the Committee in relation to this study. These were:

- On 28 January 2021, Ms. Karen Vecchio, the member for Elgin—Middlesex—London, moved that the following witnesses appear before the Committee on this study for at least one hour within 14 days of the approval of this motion: Prime Minister Justin Trudeau; the Hon. Pablo Rodriguez, Leader of the Government in the House of Commons; Katie Telford, Chief of Staff to the prime minister; and Bill Morneau. Further, the Committee reserved the right to invite more witnesses as the study continued. The motion was debated but was not voted upon.
- On 2 February 2021, the Subcommittee on Agenda and Procedure presented its Third Report to the Committee. The report recommended that the following witnesses be invited to appear: Mr. Trudeau; the Hon. Chrystia Freeland; the Hon. Bardish Chagger; Mr. Morneau; Ms. Telford; Ian Shugart; Ian McCowan; Craig Kielburger; Marc Kielburger; Farah Perelmutter; and Martin Perelmutter. This motion

---

3 House of Commons Standing Committee on Procedure and House Affairs, *Minutes of Proceedings*, 5 November 2020.

overtook the motion moved on 28 January 2021. Invitations were made to all witnesses on 2 February 2021.

- On 23 February 2021, Ms. Vecchio moved a subsequent motion aimed at securing the appearance of the same witnesses. At that time, witnesses whose appearance had been sought by the Committee through its 2 February 2021 motion, had either not responded to the Committee's request or had declined to appear.<sup>4</sup> As such, the 23 February 2021 motion renewed its invitations to Mr. Trudeau; Ms. Freeland; Ms. Chagger; Mr. Morneau; Ms. Telford; Craig Kielburger; Marc Kielburger; Farah Perelmuter; and Martin Perelmuter. These witnesses were to agree to appear within one week of the adoption of the motion and if not, the Chair was empowered to report the matter to issue a summons, or in the case of members of the House, report the matter to the House of Commons with a recommendation that the Committee be empowered to compel the appearance of each witness within a given period of time. Further, the motion ordered the production of all papers and records (electronic and hard copy) since 25 June 2020, that were related to the August 2020 prorogation from the Prime Minister's Office and the Privy Council Office. Similarly, the motion ordered the production of all papers and records (electronic and hard copy) since 25 June 2020, from the WE Charity (or its affiliated organizations), Craig Kielburger, Marc Kielburger, or Speakers' Spotlight, and communications between these individuals and/or entities and the government. These documents were to be published on the Committee's website in both official languages as soon as practicable. Debate arose on this motion.
- On 25 May 2021, Mr. Daniel Blaikie, the member for Elmwood—Transcona, moved that Ms. Vecchio's 23 February 2021 motion be amended by replacing paragraph (a) with the following: (a) renew the invitation issued to the prime minister to appear before the committee, provided that if he does not agree, within one week of the adoption of this motion, to appear for at least one hour, the Chair shall be instructed to report to the House forthwith a recommendation that this committee be empowered to order his appearance from time to time; and deleting

---

4 More information on the responses provided by witnesses to the Committee's invitation to appear on this study appears further on in this subsection.





paragraphs (b) through (h). Mr. Blaikie’s amendment was adopted on 27 May 2021.

- On 27 May 2021, Mr. Stéphane Lauzon, Parliamentary Secretary to the Minister of Seniors, moved that Ms. Vecchio’s amended motion be further amended by replacing the words after “one hour” with the following: the non-attendance of the prime minister be added to an annex to the main report on the study of the “Government’s Reasons for Proroguing Parliament in August 2020.” Debate arose on this amendment.
- On 27 May 2021, Mr. Blaikie moved a sub-amendment to Mr. Lauzon’s amendment, to add the following words after the words “Government’s Reasons for Proroguing Parliament in August 2020”: and that all questions necessary for the finalization and tabling of the report be disposed of before the end of the day on June 8, 2021 and that the final report be tabled no later than June 11, 2021. On 1 June 2021, Mr. Blaikie’s sub-amendment was adopted by the Committee.
- On 3 June 2021, Mr. Alain Therrien, member for La Prairie, moved a sub-amendment to Mr. Lauzon’s amended amendment to alter the dates. Mr. Therrien’s sub-amendment provided that all questions necessary for the finalization and tabling of the report be disposed of before the end of the day on June 15, 2021 and that the final report be tabled no later than June 18, 2021. Mr. Therrien’s sub-amendment was adopted, as was Mr. Lauzon’s amended amendment, and Ms. Vecchio’s amended motion by the Committee on 3 June 2021.

The Committee also notes that Mr. Trudeau, Ms. Freeland, Ms. Chagger and Ms. Telford did not provide a response to the Committee about their invitation to appear, nor did they appear before the Committee. Mr. Trudeau’s non-appearance before the Committee is noted in Appendix A. Mr. Morneau, Craig Kielburger, Marc Kielburger, Farah Perelmuter, and Martin Perelmuter declined the invitation to appear before the Committee. The Committee acknowledges that Mr. McCowan subsequently moved onto new responsibilities and Mr. Shugart is on a medical leave (and the Committee wishes him all the best in his recovery).

Lastly, the Committee notes that on 23 February 2021, a motion to follow up on these invitations, as well as to obtain relevant documents, was moved but was subjected to a filibuster until 3 June 2021. The Committee deeply regrets that three-and-a-half months,

which could have been devoted to completing this study, and others, was lost to partisan protection for the prime minister.

## BACKGROUND

### A. The Royal Prerogative

The Royal Prerogative is a set of reserve powers held and exercised by the Crown. These powers are accorded to the Crown by the common law and are a branch of the common law, as decisions of the courts have determined their existence and extent.<sup>5</sup>

Historically, the British monarchs possessed the powers that were required to preserve the realm against external foes. The prerogative powers of the Crown were exercised by the reigning monarch in accordance with his or her own discretion. Over the passing of time, it became established that the bulk of the prerogative powers could only be exercised through and on the advice of ministers responsible to Parliament. Despite centuries of development of constitutional monarchy, the Royal Prerogative remains an integral part of the Westminster parliamentary system.

There is no single accepted definition of prerogative powers, nor does an exhaustive list of powers exist. It is accepted that the Crown cannot invent new prerogative powers. Further, Parliament can override and displace a prerogative by statute or, in certain possible cases, by constitutional amendment.<sup>6</sup>

### B. Origin of prorogation and its use in Canada's Parliament

The Committee heard that the power to prorogue Parliament was first used in 1530 in England.<sup>7</sup> It was noted that the concept of prorogation did “not derive from the most noble of intentions.”<sup>8</sup> Prior to 1530, the British monarch summoned Parliament when

---

5 Peter Hogg, “[1.9 Prerogative](#),” in *Constitutional Law of Canada*, 5<sup>th</sup> ed., 2007.

6 Section 41 of the *Constitution Act, 1982*, which deals with constitutional amendments by unanimous consent of the Senate and House of Commons and of the legislative assembly of each province, is the formula used for changes concerning the office of the Queen, the Governor General and the Lieutenant Governor of a province.

7 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 20, 28 January 2021, 1125 (Lori Turnbull, Associate Professor, Dalhousie University). Ms. Turnbull noted in her testimony that the source of this information was an essay by Bruce Hicks entitled “[British and Canadian Experience with the Royal Prerogative](#).”

8 *Ibid.*



supply (i.e., public money) was needed, after which Parliament was dissolved. However, every time Parliament was dissolved, its membership changed.

In 1530, King Henry VIII invented the concept of prorogation and used it as an alternative to dissolution in order to retain the membership of a Parliament that was supportive of his proposals. Rather than dissolving Parliament and dismissing its members, prorogation allowed the same members of Parliament to once again be summoned.<sup>9</sup>

Prorogation is derived from the common law prerogative powers held by the Crown under the Westminster model of parliamentary government.<sup>10</sup> At the time of Confederation in 1867, the power of the Queen, through her representative, the Governor General, to prorogue Parliament was implicitly included in Canada's Constitution, which pursuant to the preamble of the *Constitution Act, 1867*, is "similar in Principle to that of the United Kingdom." In addition, section 38 of the *Constitution Act, 1867*, states:

The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons.<sup>11</sup>

In 1947, the *Letters Patent Constituting the Office of Governor General of Canada* recognized the power of the Governor General to prorogue Parliament:

And We do further authorize and empower Our Governor General to exercise all powers lawfully belonging to Us in respect of summoning, proroguing or dissolving the Parliament of Canada.<sup>12</sup>

However, the procedure and practice surrounding the power to prorogue Parliament are not explicitly laid out in either the Constitution or in federal statute. Prorogation is a prerogative act belonging to the Crown which, as with any other prerogative of the Crown, is exercised based on constitutional conventions.

In matters pertaining to the use of a prerogative power, by convention, the Governor General retains his or her reserve powers. The act of prorogation, including at which

---

9        Ibid.

10       House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 17, 10 December 2020, 1215 (Kathy Brock, Professor, Queen's University).

11       Ibid.

12       *Letters Patent Constituting the Office of Governor General of Canada (1947)*, s. 6.

date a prorogation is to occur, and its duration, is exercised by the Governor General on the advice given by the prime minister. The ability to advise the Governor General directly on prorogation is a special prerogative of the Prime Minister.<sup>13</sup> With respect to the duration of a prorogation, the Committee heard that the only legally imposed time limit is one year, as provided for by section 5 of the *Constitution Act, 1982*.<sup>14</sup> By ancient custom, Parliament is typically not prorogued for more than 40 days at a time, though prorogation may be renewed.<sup>15</sup>

As a matter of constitutional principle, a Governor General is required to follow the advice of a prime minister who enjoys the confidence of the House of Commons.<sup>16</sup> In turn, under the concept of responsible government, the prime minister, as the head of government, takes responsibility for the decisions of the Governor General that follow the prime minister's advice. In Canada, there has never been a case in which a Governor General has refused a prime minister's request for a prorogation.<sup>17</sup>

In practical terms, the process for prorogation in Canada begins when the prime minister signals to the Privy Council Office (PCO) that it is the government's intention to prorogue and the Governor General is made aware that a formal request will be forthcoming. PCO seeks formal direction from the prime minister about the date the current parliamentary session will end and the date of the new parliamentary session. Once these dates are communicated to PCO, it drafts an instrument of advice and a proclamation for the Governor General's approval. Once the proclamation is approved by the Governor General, it is published in the *Canada Gazette*.<sup>18</sup>

---

13 Order in Council P.C. 1935-3374.

14 Brock, 1215.

15 Sir John Bourinot, *Parliamentary Procedure and Practice in the Dominion of Canada*, 4<sup>th</sup> Edition, 1916, pp. 81 and 82.

16 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 20, 28 January 2021, 1130 (Hugo Cyr, Professor, Université du Québec à Montréal).

17 Turnbull, 1130.

18 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 23, 16 February 2021, 1200 (Allen Sutherland, Assistant Secretary to the Cabinet, Office of the Deputy Secretary to Cabinet (Governance)).



The Committee heard from one witness that the powers and rules surrounding prorogation ought to be legally codified and made enforceable by the courts.<sup>19</sup> However, another witness told the Committee the unwritten Constitution is a great strength of the Canadian system.<sup>20</sup>

### C. Effects of prorogation on parliamentary business

The effects of a prorogation on parliamentary business are wide-reaching. In the House of Commons, all proceedings pending at the time come to an end, including all sittings, bills and motions, sessional orders, resolutions, and committee business and membership (with the exception of the membership of the Standing Committee on Procedure and House Affairs).

Only a small circumscribed set of parliamentary business carries over from session to session. Documents requested by an order of the House or addresses to the Governor General survive prorogation, provided they were not tabled in the House prior to prorogation. Requests for government responses to committee reports and petitions also survive prorogation.

Further, private members' bills and motions are reinstated at the stage of consideration where the bill or motion had been at the time of prorogation. For example, a private member's bill that had received its first hour of debate at third reading at the time of prorogation, would be restored to the third reading stage in the new session.

### D. Brief overview of selected past prorogations at the federal Parliament

At Canada's federal Parliament, prorogations have been a regular feature of the parliamentary cycle since Confederation. The Committee heard that, viewed from a historical perspective, prorogations had seldom attracted much attention and the term

---

19 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 24, 18 February 2021, 1120 (Patrick Taillon, Professor, Laval University); and House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 17, 10 December 2020, 1210 (Daniel Turp, Associate Professor, Université de Montréal).

20 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 24, 18 February 2021, 1145 (Duane Bratt, Professor, Political Science, Mount Royal University).

prorogation was not part of the general public's vocabulary.<sup>21</sup> Instead, prorogations were understood as a routine procedure to end a parliamentary session. At the same time, the Committee also heard that the exercise of the power of prorogation nearly always takes place in a "very political context because it's a political move."<sup>22</sup>

The number of prorogations that occur during the lifespan of a Parliament has varied since Confederation (please consult Appendix B for more information on all past prorogations of Canada's Parliament). There have been occasions when the duration of a Parliament featured as few as no prorogations and as many as seven. The Committee heard that, in historical terms, about four sessions per Parliament was the norm.<sup>23</sup>

In terms of the length of a prorogation, the Committee heard that, in historical terms, the average length has been about 40 days.<sup>24</sup> However, over the past several decades, the length of prorogations has varied. The Committee heard that, for example, in 2002, the prorogation between the 1<sup>st</sup> and 2<sup>nd</sup> sessions of the 37<sup>th</sup> Parliament lasted 14 days; in 2007, the prorogation between the 1<sup>st</sup> and 2<sup>nd</sup> sessions of the 39<sup>th</sup> Parliament lasted 32 days; and in 2009, the prorogation between the 2<sup>nd</sup> and 3<sup>rd</sup> session of the 40<sup>th</sup> Parliament lasted 63 days.<sup>25</sup> The Committee was told that the length of a prorogation depended on the circumstances of the day.

During its study, witnesses brought to the Committee's attention certain examples of prorogations that were considered historically noteworthy. These were:

**1873 (3<sup>rd</sup> Parliament, prorogation between 1<sup>st</sup> and 2<sup>nd</sup> session)** – Prime Minister Sir John A. Macdonald requested and received a prorogation from Governor General Lord Dufferin when facing a loss of support in the House of Commons during a political scandal that would be dubbed the Pacific scandal.<sup>26</sup> The Committee heard that the 1873 prorogation ended a committee inquiry into the matter but that the controversy over the

---

21 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 17, 10 December 2020, 1225 (Barbara J. Messamore, Professor, University of the Fraser Valley).

22 Sutherland, 1250.

23 Messamore, 1225.

24 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 23, 16 February 2021, 1220 (Donald Booth, Director of Strategic Policy and Canadian Secretary to the Queen, Machinery of Government).

25 Ibid.

26 For more information on the Pacific Scandal, please see: *The Canadian Encyclopedia*, [Pacific Scandal](#).



scandal resumed during the subsequent parliamentary session. Sir John resigned a few weeks after Parliament resumed.<sup>27</sup>

**2002 (37<sup>th</sup> Parliament, prorogation between 1<sup>st</sup> and 2<sup>nd</sup> session) –** Prime Minister Jean Chrétien requested and received a prorogation from Governor General Adrienne Clarkson at a time when details were emerging of a political scandal that would be dubbed the sponsorship scandal.<sup>28</sup> The prorogation prevented a report from the House of Commons Standing Committee on Public Accounts on the sponsorship scandal from being presented in the House.<sup>29</sup>

**2003 (37<sup>th</sup> Parliament, prorogation between 2<sup>nd</sup> and 3<sup>rd</sup> session) –** Mr. Chrétien prorogued Parliament until February 2004. This delayed the tabling of the Auditor General's report on the sponsorship scandal, which was due to be tabled that November, until after Mr. Chrétien left office.<sup>30</sup>

**2008 (40<sup>th</sup> Parliament, prorogation between 1<sup>st</sup> and 2<sup>nd</sup> session) –** Prime Minister Stephen Harper requested and received a prorogation from Governor General Michaëlle Jean in December 2008. The prorogation occurred at a time when a global financial crisis had recently begun. However, the prorogation also enabled the government to postpone a non-confidence vote in the House that was being sought by The Liberal Party, the New Democratic Party, who had proposed a coalition, and the Bloc Québécois, who had agreed to support the coalition under a supply and confidence agreement. It was noted that the Governor General granted the request for prorogation but only after several hours of reflection.<sup>31</sup> By the time the House resumed sitting in January 2009, the opposition coalition had collapsed. One witness referred to these circumstances as being driven by a breakdown in good governance within the Liberal caucus.<sup>32</sup>

---

27 Messamore, 1225.

28 For more information on the Pacific Scandal, please see: *CBC.ca*, [Federal Sponsorship Scandal](#).

29 Messamore, 1225; and Bratt, 1110.

30 Messamore, 1225.

31 Cyr, 1145; and Bratt, 1110.

32 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 20, 28 January 2021, 1100 (Ian Brodie, Associate Professor, University of Calgary).



**2010 (40<sup>th</sup> Parliament, prorogation between 2<sup>nd</sup> and 3<sup>rd</sup> session)** – Prime Minister Harper requested and received a prorogation from Governor General Michaëlle Jean, from January 2010 to March 2010. The reason for the three-month duration of the prorogation was to allow Parliament to recess for the Winter Olympics in Vancouver. However, the prorogation also postponed the examination by the House of Commons Special Committee on the Canadian Mission in Afghanistan into alleged mistreatment of Afghan detainees while in custody.<sup>33</sup>

## **E. Historical reasons for proroguing Parliament**

During its study, witnesses told the Committee that there were a variety of reasons why a prime minister and the government would request a prorogation of Parliament. It was noted that there is no constitutional need for a prorogation to occur during the lifespan of a Parliament.<sup>34</sup>

The Committee heard the following reasons why prorogation occurs:

- Prorogation is a political act done for political reasons. However, political reasons for political decisions are perfectly legitimate.<sup>35</sup>
- Prorogation ends all parliamentary proceedings and resets the parliamentary agenda. As such, the effect of prorogation is what really matters.<sup>36</sup>
- Prorogation provides the government with an opportunity to reset its legislative agenda and deliver a Speech from the Throne. It is also a tool used by the government to protect itself and can be seen as a delay tactic.<sup>37</sup>
- Prorogation can be used to avoid or delay a vote of no-confidence; reset committees that are mounting inquiries that are politically harmful to the

---

33 Messamore, 1225.

34 Brodie, 1100.

35 Ibid., 1100 and 1115.

36 Taillon, 1205.

37 Ibid., 1135.



government; and avoid or delay parliamentary proceedings employed to hold government to account.<sup>38</sup>

- The government may want to prorogue Parliament when there is a change of a ministry within a Parliament, so that the new government can clear the slate of legislation and lay out its agenda.<sup>39</sup>
- Parliament may have been in a parliamentary session for an extended period of time and the government wishes to start afresh; a significant event could compel the government to pursue a new slate of legislative measures; or a government may wish to put forth a new parliamentary agenda in anticipation of a general election.<sup>40</sup>
- It can be used as a reset mechanism when the government is unable to proceed with its agenda in a deadlocked Parliament. A pause in parliamentary work may allow passions to subside and a reasoned debate to take place after prorogation.<sup>41</sup>
- The reasons given for a prorogation can have a narrative that is both political in nature and about policy planning. The two are not mutually exclusive.<sup>42</sup>
- A prime minister holds the power to advise prorogation and from a constitutional perspective, the reasons for prorogation do not have to be good reasons. However, prorogations can elicit a public response and it is up to the public to determine whether they accept the government's version of its reasons for prorogation.<sup>43</sup>

---

38 House of Commons, Standing Committee on Procedure and House Affairs, *Evidence*, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 17, 10 December 2020, 1210 (Philippe Lagassé, Associate Professor, Carleton University); and Brock, 1215.

39 Lagassé, 1210.

40 Ibid.

41 Brock, 1210.

42 Turnbull, 1200.

43 Ibid., 1205 and 1210.

## **F. Past study on prorogation by the Standing Committee on Procedure and House Affairs**

The Committee has previously studied prorogation and its role in the parliamentary cycle. On 11 March 2010, the Committee adopted the following motion:

That, pursuant to Standing Order 108(3)(a), the Committee undertake an immediate study of all relevant issues pertaining to prorogation, including the circumstances in which a request that Parliament be prorogued would be appropriate or inappropriate, and the nature of any rule-changes (either by way of the Standing Orders or legislation or both) that may be necessary to avoid any future misuse of prorogation.

The Committee held 10 meetings and heard from 16 witnesses, including the then-Law Clerk and Parliamentary Counsel, legal and constitutional scholars, and witnesses with backgrounds in politics and parliamentary procedure. No report was adopted by the Committee on the 2010 study.

## **G. New Standing Order 32(7)**

On 20 June 2017, the House of Commons adopted a motion to amend its Standing Orders. Among the changes made to the Standing Orders was the addition of new Standing Order 32(7). It reads:

Not later than twenty sitting days after the beginning of the second or subsequent session of a Parliament, a Minister of the Crown shall lay upon the Table a document outlining the reasons for the latest prorogation. This document shall be deemed referred to the Standing Committee on Procedure and House Affairs immediately after it is presented in the House.

No such obligation upon Cabinet had existed, either in Canadian federal law or House of Commons procedure, prior to the creation of Standing Order 32(7).

The 42<sup>nd</sup> Parliament was dissolved on 11 September 2019 without having prorogued. The first prorogation since Standing Order 32(7) was created occurred on 18 August 2020. Following this prorogation, Parliament met on 23 September 2021. On 28 October 2020, the first report under Standing Order 32(7) was tabled in the House of Commons.



## **H. Summary of the government's *Report to Parliament: August 2020 Prorogation – COVID-19 pandemic***

On 28 October 2020, within the required 20 sitting days, the government tabled a report in the House of Commons entitled, *Report to Parliament: August 2020 Prorogation – COVID-19 pandemic* (please see Appendix C for the complete report). The report indicated that the government prorogued the First Session of the 43<sup>rd</sup> Parliament on 18 August 2020 to reset the government's approach for recovery from the damaging social and economic effects of the COVID-19 pandemic and obtain the confidence of the House following a Speech from the Throne.

The report contains six sections: Introduction, The COVID-19 Pandemic, Prorogation, Speech from the Throne, Moving Forward, and Conclusion. A summary of these sections is provided below. Further, the report has two annexes: the transcript of Prime Minister Justin Trudeau's address to Canadians on prorogation delivered on 18 August 2020, and the transcript of the Speech from the Throne delivered by Her Excellency the Right Honourable Julie Payette on 23 September 2020.

While the Committee does not endorse the report's contents as a complete accounting of the reasons for prorogation, it is summarized below for the benefit of the reader since the government has not made the report easily accessible to the public.

### **i. Introduction**

The report states that new Standing Order 32(7) was introduced in 2015 to ensure future federal governments remain transparent in governance, including the use of prorogation. To that end, the report was intended to provide greater clarity to the August 2020 prorogation. It notes that the Speech from the Throne delivered in December 2019 received the confidence of the House. The speech contained commitments important to the government, such as net-zero emissions by 2050; legislating the implementation of the United Nations Declaration on the Rights of Indigenous Peoples; furthering free and fair trade, and investing in affordable housing across the country. However, the report indicated that the COVID-19 pandemic had changed the context for governing by summer 2020.

## ii. The COVID-19 Pandemic

The report states that on 11 March 2020, the World Health Organization declared COVID-19 to be a global pandemic. It provides data on the damaging effects that Canada's economy experienced in spring 2020 as a result of the pandemic.<sup>44</sup>

In response to the pandemic, the government introduced a series of emergency programs in spring 2020 to “mitigate the harm to Canadian families and businesses alike.”<sup>45</sup> The report provides information on these programs, including the Canada Emergency Response Benefit; a Goods and Services Tax credit; financial assistance programs aimed at seniors, disabled people, Indigenous people and students; financial relief measures for small, medium and large businesses as well as Canada's six Regional Development Agencies; and a federal funding agreement with the provinces and territories.

The report notes that during the summer months in 2020, Canadians had slowed the spread of COVID-19, and the peak number of people requiring care was reduced.

However, by August 2020, infection rates began to rise once more in some provinces. The report states that public health officials had made it clear that a “second wave” of increased pandemic cases would occur during the colder months that would follow. As such, the government decided to develop and put in place a plan to address the second wave and to ensure it continued to hold the confidence of the House.

## iii. Prorogation

The report indicates that on 18 August 2020, the prime minister addressed Canadians about prorogation. He stated that the 2019 Speech from the Throne made no mention of COVID-19; that following the 2020 prorogation, Parliament would meet the same week in September 2020 that it had been previously scheduled to meet; that the government needed to reset its approach for recovery by presenting an ambitious plan to Parliament; and that this plan needed to gain the confidence of the House.<sup>46</sup>

---

44 For further information on the economic and social impacts in Canada in Fall 2020 of the COVID-19 pandemic, please consult: [The Social and Economic Impacts of COVID-19: A Six-month Update](#), available on Statistics Canada's website.

45 Canada, Parliament, Sessional Paper No. 8560-432-1261-01, “Report to Parliament: August 2020 Prorogation – COVID-10 pandemic,” [Journals](#), 28 October 2021.

46 *Ibid.*, pp. 6 and 7.



The report provides information about the elements of the government’s plan to address the second wave. These elements included increasing funding for schools, widening accessibility to the Employment Insurance program and securing vaccines. The report states that in preparing the plan, the government’s efforts up to that date were assessed and consultations were held with community leaders, labour groups, employers and individuals.<sup>47</sup>

#### **iv. Speech from the Throne**

The report notes that on 6 October 2020, the Address in Reply to the Speech from the Throne was adopted by the House.

#### **v. Moving Forward**

The report notes that, regrettably, the second wave of COVID-19 infections was underway at the time of its tabling in the House. It gives a brief overview of the detrimental effects of this second wave on people’s health, including vulnerable communities, and the temporary re-closing of businesses.

The report indicates that the government wanted to ensure that it held the confidence of the House to deliver the support that Canadians expect, and that the government will continue to work with Parliament to deliver its plan.

#### **vi. Conclusion**

The report states that in August 2020, it was clear to the government that it needed “to reset the agenda and obtain the confidence of the House, in order to move forward.”<sup>48</sup> Having garnered the confidence of the House, the government considered its job to be that of following through on the commitments it made during the Speech from the Throne.

#### **vii. Shortcomings of the report**

The Committee, however, notes that when Allen Sutherland, Assistant Secretary to the Cabinet, was asked if the report was “100% accurate,” he demurred and answered: “I’m

---

47      *Ibid.*, p. 8.

48      *Ibid.*, p. 12.

not in a position to comment on the report. It was tabled. It's the government's reasons."<sup>49</sup>

In particular, the Committee notes that many aspects of the political and governing context were completely missing from the report, including the four committee investigations of the WE Charity scandal, the resignation of the Minister of Finance the night before prorogation, the tabling of thousands of heavily-redacted documents on the WE Charity scandal with the House of Commons Standing Committee on Finance minutes before prorogation, the Cabinet shuffle simultaneous with prorogation, and a document production order by the House of Commons Standing Committee on Access to Information, Privacy and Ethics, which could have been very damaging politically to the prime minister, was due the day following prorogation.

## I. Chronological overview of key events related to the Canada Student Service Grant's development

The Committee reproduces here a table originally included in the second report of the House of Commons Standing Committee on Access to Information, Privacy and Ethics entitled *Questions of Conflict of Interest and Lobbying in Relation to Pandemic Spending*. Additional dates were included in the Table 1 by the Committee.

**Table 1—Key Events in the Development and Award of the Canada Student Service Grant Prior to the Committee's Study**

Date	Event
October 2007 to September 2017	Justin Trudeau participates in eight WE Day events. He is not paid for these appearances.
February 2012 to May 2020	Sophie Grégoire-Trudeau participates in eight WE Charity events, receiving a one-time speaking fee of \$1,500 in 2012. She has \$24,000 in expenses covered and receives \$240 in gifts. Ms. Grégoire-Trudeau volunteers with WE Charity as an "ambassador and ally" from 2018 onward; this work is cleared by the Conflict of Interest and Ethics Commissioner.
June, December 2017	Then-Minister of Finance Bill Morneau, his wife and his daughter travel to Kenya in June 2017 to learn about WE Charity school projects and, in December 2017, to Ecuador to help build WE Charity schools. Minister Morneau states that WE Charity did not issue receipts for the incurred expenses related to the organization's programming, which the minister intended to pay for personally. WE Charity later claims it conveyed those expenses orally to Minister Morneau's staff.
April 2018 and June 2020	Minister Morneau's wife makes two donations to WE, each in the amount of \$50,000.

49 Sutherland, 1255.





Date	Event
March 2020	WE Charity begins to lay off employees, anticipating financial difficulties during the pandemic; 197 of its 390 employees are laid off.
Early April 2020	WE Charity replaces all but one Canadian board member and two United States board members.
5 April 2020	The Prime Minister and Minister Morneau discuss student support measures, identifying the Canada Service Corps and Canada Summer Jobs program as potential vehicles.
6 April 2020	The Prime Minister announces upcoming student supports.
7 April 2020	Mary Ng, Minister of Small Business, Export Promotion and International Trade, calls Mr. Craig Kielburger of WE Charity expressing a desire to help young people start small businesses.
9 April 2020	Mr. Craig Kielburger sends Minister Ng an existing proposal for a youth entrepreneurship program. This document is circulated to at least 17 ministers, ministerial staff and senior officials.
10 April 2020	In an email from Mr. Craig Kielburger to Minister Morneau, Mr. Kielburger states that Minister Ng suggested submitting a proposal to scale WE Charity's youth entrepreneurship program to mitigate the economic struggles related to the pandemic.
16 April 2020	In an email discussion that included officials from the Department of Finance Canada (Department of Finance) and ESDC, Rachel Wernick, Senior Assistant Deputy Minister, Skills and Employment Branch at ESDC and Michelle Kovacevic, Assistant Deputy Minister for the Federal-Provincial Relations and Social Policy Branch at the Department of Finance Canada, discuss potential federal and third-party organizations to deliver a student support program. Ms. Wernick raises the idea of volunteer matching for a tuition credit through an organization such as WE Charity.
17 April 2020	Mr. Craig Kielburger and Sofia Marquez, then responsible for government and stakeholder relations at WE Charity, call Bardish Chagger, Minister of Diversity and Inclusion and Youth, to discuss WE Charity's social entrepreneurship proposal.
18 April 2020	During a briefing, officials raise to Minister Morneau that the CSSG might require a third-party administrator, and raised WE Charity, among other organizations, as examples of groups doing similar work. WE Charity's entrepreneurship proposal is appended to his briefing materials.
19 April 2020	Ms. Wernick calls Mr. Craig Kielburger and outlines the broad parameters of a youth service program being developed. Mr. Craig Kielburger also describes the initial youth entrepreneurship proposal that he sent earlier to Minister Ng.
19 April 2020	ESDC sends WE Charity's entrepreneurship proposal to Ms. Kovacevic, who forwards it to Amitpal Singh, Senior Policy Advisor at the Office of the Minister of Finance. This proposal is included as an annex in that evening's briefing package to Minister Morneau, without recommendations or analysis.

Date	Event
20 April 2020	Mr. Singh contacts WE Charity to discuss its ability to deliver volunteer opportunities. He states in an email to government colleagues that WE Charity is willing to rework its 10-week summer proposal to meet the government's policy objective of national service. Mr. Singh makes no promises to WE Charity but, that same day, suggests that colleagues should "bring [WE Charity] into the fold" following policy approvals.
20 April 2020	Ms. Marquez emails an ESDC official with a summary of her and Mr. Craig Kielburger's 17 April 2020 call with Minister Chagger. The summary states that Minister Chagger expressed interest in adapting the entrepreneurship proposal submitted to Minister Ng and that she suggested opening a service-stream for youth. Ms. Marquez expresses willingness to amend WE Charity's proposal if given the right policy objectives.
20 April 2020	An email from Ms. Kovacevic to an undisclosed recipient indicates that the Prime Minister's Office (PMO) has been weighing in on the version of WE Charity's proposal sent to the Minister of Finance on 18 April 2020. The Prime Minister later stated that his staff had worked with the PCO and other departments and that they knew WE Charity was under consideration. However, he never spoke with his staff about WE Charity's involvement until 8 May 2020.
21 April 2020	Minister Morneau verbally approves the broad parameters of the CSSG and the potential involvement of a third party. He later stated that no third party was chosen at that time. Without ministerial approval, Mr. Singh directs Ms. Kovacevic to include \$12 million for WE Charity's social entrepreneurship proposal in a decision document for Minister Morneau.
22 April 2020	The Prime Minister announces that a \$912 million CSSG would be launched.
22 April 2020	After the Prime Minister's announcement, Mr. Craig Kielburger shares a second proposal for a student service program with various ministers, ministerial staff and senior officials. Ms. Marquez later recalled that the proposal was based on broad parameters and guidelines Ms. Wernick shared with Mr. Kielburger on 19 April 2020.
23 April 2020	The Department of Finance and ESDC discuss the possibility of WE Charity offering virtual volunteer placements and potentially administering the CSSG.
24 April 2020	Ms. Kovacevic and Ms. Wernick call Mr. Kielburger and Ms. Marquez to discuss WE Charity and its capacity. The only commitment ESDC makes is to follow up with WE Charity.
24 April 2020 to 1 May 2020	ESDC, Department of Finance and Minister of Finance staff discuss WE Charity's proposal, including with WE Charity staff, to develop a CSSG framework proposal.
5 May 2020	Minister Chagger presents the CSSG proposal to the Cabinet Committee on the Federal Response to the Coronavirus Disease, including the public service's recommendation that WE Charity administer the CSSG.
8 May 2020	The Prime Minister learns that the public service recommended WE Charity. He removes the CSSG from that day's Cabinet discussions and requests further due diligence from the public service to ensure WE Charity is the best or only organization to administer the CSSG.
22 May 2020	Cabinet ratifies the CSSG, contingent on final funding approval, including the participation of WE Charity. Neither the Prime Minister nor Minister of Finance recuse themselves from this decision.



Date	Event
3 June 2020	Minister Morneau gives final approval on the revised CSSG funding decision.
23 June 2020	The WE Charity Foundation signs the CSSG contribution agreement with ESDC, backdated to 5 May 2020.
25 June 2020	The Prime Minister announces the selection of WE Charity to administer the CSSG.
3 July 2020	WE Charity announces its withdrawal from the CSSG and passes operational responsibilities to the federal government.
3 July 2020	Mario Dion, Conflict of Interest and Ethics Commissioner, commences an examination into the Prime Minister's possible contraventions of sections 6(1), 7 and 21 of the <i>Conflict of Interest Act</i> (the Act).
13 July 2020	The Prime Minister and former Minister of Finance each apologize for not recusing themselves from Cabinet discussions about awarding WE Charity the CSSG contribution agreement.
16 July 2020	Mr. Dion commences an examination into Minister Morneau's possible contraventions of sections 6(1) and 21 of the Act.
16 July 2020	The House of Commons Standing Committee on Finance undertakes a study entitled <i>Government Spending, WE Charity and the Canada Student Service Grant</i> .
22 July 2020	Minister Morneau pays \$41,366 to WE Charity to reimburse WE for the cost of his and his family's travel and accommodation. He stated he was surprised to discover that he had not already paid for these expenses.
29 July 2020	Mr. Dion expands his examination of Minister Morneau to include sections 11(1) and 12 of the Act.
29 July 2020	Pursuant to a motion adopted on 22 July 2020, deadline for witnesses to appear and for submitting documents to the House of Commons Standing Committee on Access to Information, Privacy and Ethics.
30 July 2020	The House of Commons Standing Committee on Access to Information, Privacy and Ethics undertakes a study entitled <i>Safeguards to Prevent Conflicts in Federal Government Expenditure Policies</i> .
8 August 2020	Pursuant to a motion adopted on 7 July 2020, deadline for submitting documents to the House of Commons Standing Committee on Finance.
9 August 2020	Pursuant to a motion adopted on 30 July 2020, deadline for submitting documents to the House of Commons Standing Committee on Finance.
12 August 2020	The Standing Committee on Official Languages adopts the following motion: That the Chair be authorized to establish the schedule for the WE Charity study and undertake it as soon as possible. However, no study was on this matter was commenced.
13 August 2020	The House of Commons Standing Committee on Government Operations and Estimates holds a meeting on the following topic: Administration of the Canada Student Service Grant and WE Charity.

Date	Event
17 August 2020	Minister Morneau resigns as Minister of Finance and member of Parliament for Toronto Centre.
18 August 2020	The Parliament of Canada is prorogued.
19 August 2020	Pursuant to a motion adopted on 22 July 2020, deadline for submitting documents to the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

Source: Table prepared by the Library of Parliament using information obtained from House of Commons Standing Committee on Finance (FINA), [Evidence](#), 1<sup>st</sup> Session, 43<sup>rd</sup> Parliament, 16 July 2020; FINA, [Evidence](#), 1<sup>st</sup> Session, 43<sup>rd</sup> Parliament, 22 July 2020; FINA, [Evidence](#), 1<sup>st</sup> Session, 43<sup>rd</sup> Parliament, 28 July 2020; FINA, [Evidence](#), 1<sup>st</sup> Session, 43<sup>rd</sup> Parliament, 30 July 2020; Department of Finance Canada, [Written Response Submitted to the House of Commons Standing Committee on Finance Pertaining to WE Charity](#); and WE Charity, [Media Statement – WE Charity](#), 3 July 2020.

## DISCUSSION

### A. August 2020 prorogation

During the Committee's study, witnesses gave their insights on the unique aspects of the August 2020 prorogation, as compared with previous ones. The average length of a prorogation at Canada's federal Parliament was also discussed.

Most witnesses commented on the rationale behind the decision to prorogue in August 2020. Some witnesses expressed the view that the health crisis caused by the COVID-19 pandemic and the disconnect between the pandemic and the December 2019 Speech from the Throne justified the prorogation. These witnesses argued that the August 2020 prorogation was not significantly different from other prorogations that have occurred in Canada in the past. To that end, several witnesses were of the view that the decision to prorogue is a political one and rests with the prime minister.

Other witnesses held the opposite viewpoint, commenting that the rationale provided in the October 2020 report was, at most, only part of the story, and that the decision to prorogue Parliament was instead due to political considerations, not the COVID-19 pandemic. Many witnesses pointed out that the decision to prorogue Parliament coincided with the work being undertaken by several parliamentary committees into the government's decision to award a contract to WE Charity to manage the Canada Student Service Grant. Prorogation ended all parliamentary activities, including these committees' studies.

The Committee is reminded of the testimony that it heard to the effect that in a majority Parliament, prorogation provides the government with an opportunity to reset its



legislative agenda and deliver a Speech from the Throne. In a minority Parliament, prorogation is a tool used by the government to protect itself and can be seen a delay tactic.<sup>50</sup>

## 1. Testimony from the Leader of the Government in the House of Commons

In his testimony before the Committee, Mr. Rodriguez began by discussing the 2017 change to the Standing Orders, which created new Standing Order 32(7). As noted above, this Standing Order created a requirement that, following a prorogation, the government must table a document in the House which outlines the reasons for it. This document is deemed referred to the Committee after it is presented in the House. Mr. Rodriguez argued that that the tabling of the report in October 2020 under Standing Order 32(7) was a demonstration of the government being “transparent and open.”<sup>51</sup> However, when asked to undertake voluntarily to provide the Committee with relevant documents, he declined.<sup>52</sup>

Mr. Rodriguez also discussed the reasons for the 2020 prorogation given in the report. He pointed out that, in December 2019, the Speech from the Throne following the 43<sup>rd</sup> federal general election made no mention of the upcoming COVID-19 pandemic, a crisis that turned government priorities upside-down a few months later. He also highlighted the “unprecedented” legislation that Parliament had passed since March 2020 to address the economic impacts of the pandemic on Canadians.<sup>53</sup>

Further, Mr. Rodriguez said that by the summer of 2020, it was clear to the government that the plans and priorities announced in the December 2019 Speech from the Throne no longer reflected the challenges Canadians’ faced. However, when asked to identify exactly when this became clear, he was unable to provide the Committee with any dates.<sup>54</sup> For this reason, the government committed to presenting a new Speech from the Throne to Parliament, as it was “fundamental” that members be given the

---

50 Taillon, 1135.

51 Rodriguez, 1105.

52 Ibid., 1115.

53 Ibid.

54 Ibid., 1135.

opportunity to vote on the plan. He noted that the House of Commons supported the Speech from the Throne.<sup>55</sup>

Mr. Rodriguez concluded his opening remarks by saying that Parliament was prorogued for one reason: “to come forward with a new plan to confront the biggest health and economic crisis of our time.”<sup>56</sup>

When asked if the prorogation was related to the WE Charity study being conducted by some parliamentary committees, the Government House Leader told the Committee that he did not agree that this was the case. Instead, in his view, the pandemic fully justified the need to prorogue.<sup>57</sup> As for the period required to draft the Speech from the Throne, Mr. Rodriguez indicated that preparing this speech was a long process that required consulting with experts.<sup>58</sup> He did not, however, advance arguments which convinced the Committee about why planning or consultations on a new agenda either required the prorogation of Parliament or a five week long prorogation.

## 2. Testimony from Privy Council Office officials

Mr. Sutherland and Donald Booth, Director of Strategic Policy and Canadian Secretary to the Queen, testified about the steps taken by the Privy Council Office following the 2020 prorogation.

According to Mr. Sutherland, public servants began working on the Speech from the Throne as soon as Parliament was prorogued in August 2020. The Privy Council Office’s priorities and planning group kicked into gear, and various departments worked together to identify initiatives and themes for the Speech from the Throne. As did Mr. Rodriguez, Mr. Sutherland noted that the drafting process involved wide public consultation. The key themes that emerged were included in the government’s fall economic statement and the January 2021 supplementary mandate letters for Cabinet Ministers.<sup>59</sup>

In response to questions about the process of drafting the Speech from the Throne, Mr. Sutherland stated that there have been instances in which the speech was written entirely by the Prime Minister’s Office, while at other times, it was written by the public

---

55 Ibid.

56 Ibid., 1110.

57 Ibid., 1110, 1120, 1135, 1140, 1200.

58 Ibid., 1130, 1145.

59 Sutherland, 1200.



service.<sup>60</sup> He said that a Speech from the Throne is a very special speech that takes time to put together properly.<sup>61</sup> For the September 2020 speech, he told the Committee that every federal department provided ideas for themes or signature items for inclusion in the speech. These consultations began in late August and early September, after which several exchanges of information occurred between the Prime Minister's Office and the Privy Council Office.<sup>62</sup>

In response to being asked whether the Privy Council Office had recommended the August 2020 prorogation, Mr. Sutherland stated that, to his knowledge, the Privy Council Office's advice was sought only about the terms for the prorogation, not on whether to prorogue.<sup>63</sup> To that end, he stated that the role of the Privy Council Office, with respect to prorogation, is limited to ensuring that the steps taken for a prorogation respect Canada's constitutional traditions.<sup>64</sup> Mr. Sutherland also indicated that the impact of prorogation would have on committees, *Order Paper* questions and, to a lesser extent, private members' bills was well-known at the time Parliament was prorogued.<sup>65</sup> Mr. Sutherland and Mr. Booth mentioned the 16<sup>th</sup> and 17<sup>th</sup> of August as when the Privy Council Office was engaged on facilitating the 18 August 2021 prorogation.<sup>66</sup>

Both Mr. Sutherland and Mr. Booth addressed the duration of past prorogations of Canada's Parliament. Mr. Sutherland stated that, historically, some prorogations have been relatively short, while others have been much longer. In his view, the August 2020 prorogation was within the norms of past prorogations.<sup>67</sup> He added that the only legal limit for the duration of a prorogation is 365 days, since the Constitution provides that Parliament must sit at least once a year.<sup>68</sup> Mr. Sutherland also noted that the 2020 prorogation was not the longest he had ever seen and that, with respect to constitutional conventions, there was nothing unique about it.<sup>69</sup> Mr. Booth explained that, when the prorogation proclamation is drafted, the prime minister must set a date

---

60 Ibid., 1240.

61 Ibid., 1255.

62 Ibid., 1300.

63 Ibid., 1210.

64 Ibid., 1225.

65 Ibid., 1210.

66 Sutherland and Booth, 1235.

67 Sutherland, 1210.

68 Ibid., 1215.

69 Ibid., 1220, 1255.



for the return of Parliament; traditionally, that date has been around 40 days. However, the duration of prorogations has varied considerably over the past few decades.<sup>70</sup>

In response to being asked if it would have been possible to prorogue for only a very short period of time, for example proroguing on Friday, 18 September 2020 and convening Parliament the following Wednesday for the Speech from the Throne, Mr. Sutherland said that it would have been possible but that, in his view, it would have adversely impacted the ability to hold consultations on the Speech from the Throne.<sup>71</sup> In response to questions posed by a member of the Committee, Mr. Sutherland testified that, although the budget requires extensive consultation to prepare, he would not advise that Parliament be prorogued during the lead-up to the budget.

Both Mr. Sutherland and Mr. Booth underlined that the decision to prorogue is fundamentally a political one based on specific circumstances.<sup>72</sup> Also, Mr. Sutherland stated that a confidence motion was inevitable and necessary after a Speech from the Throne.<sup>73</sup>

### 3. Testimony from academics

#### a) Reasons for the August 2020 prorogation<sup>74</sup>

The Committee heard testimony from academics who provided their points of view about the reasons for the August 2020 prorogation. Most raised at least some questions about the reasons provided in the October 2020 report for proroguing Parliament, and commented that the decision to prorogue was the result of the political context at the time. However, some held the view that the health and economic crisis caused by the COVID-19 pandemic warranted prorogation, as it allowed the government to refocus its priorities. Others noted that several reasons could have informed the decision to prorogue. Finally, most agreed that proroguing Parliament is a political decision with political consequences.

Daniel Turp, associate professor, Faculty of Law of the Université de Montréal, stated that, in his view, Parliament was prorogued to suspend studies by parliamentary

---

70 Booth, 1220.

71 Sutherland, 1220, 1225.

72 Sutherland, 1215; Booth, 1220.

73 Sutherland, 1215.

74 The Committee wishes to note that Canada's Conflict of Interest and Ethics Commissioner issued two reports on 13 May 2021: [Trudeau III Report](#) and [Morneau II](#).



committees into the government contract awarded to the WE Charity. Mr. Turp considered the omission of this reason for prorogation from the October 2020 report as “hypocrisy.” He also found the reasons provided in the report to be questionable and stated that a prorogation was not needed to reset the government’s agenda. He further stated that, on 18 August 2020, the government held the confidence of the House of Commons, and therefore a prorogation followed by a confidence vote was not necessary.<sup>75</sup>

Duane Bratt, professor of political science, Mount Royal University, told the Committee that the COVID-19 pandemic was a valid reason to prorogue Parliament. However, he stated that while the pandemic likely played a role in the decision to prorogue, a much more important rationale, in his view, was to suspend the committee studies on the WE Charity.<sup>76</sup> Indeed, he called prorogation “an elaborate effort from the Trudeau government to distract Canadians from a political scandal.”<sup>77</sup>

In support of his assertions, Mr. Bratt noted two matters: that the prorogation’s timing, in August rather than in spring, suggested that the COVID-19-related health crisis was not the most important rationale for prorogation. On timing, he also noted the coincidence of the timing of prorogation with the Minister of Finance’s resignation, commenting:

The timing is absolutely important. You cannot divorce Bill Morneau’s resignation from his implication in WE. Think of that committee meeting when he announced that he had written a cheque to WE Charity for \$45,000 hours before testifying. That’s pretty damning.<sup>78</sup>

Secondly, he stated that the Speech from the Throne lacked substance and content that related to the on-going health crisis. In his view, if Parliament had been prorogued because of the pandemic, the Speech from the Throne would have outlined new programs and policies to address it.<sup>79</sup> Instead, in his opinion, it resembled a campaign speech for the next election.<sup>80</sup> Mr. Bratt also stated that, if the government wanted to

---

75 Turp, 1205.

76 Bratt, 1110, 1125.

77 Ibid., 1115.

78 Ibid., 1140.

79 Ibid., 1110, 1115.

80 Ibid., 1115.

ensure that it had the confidence of the House, it could have held a confidence vote without proroguing.<sup>81</sup>

Similarly, Ian Brodie, associate professor of political science, University of Calgary, indicated that the government's assertion that a prorogation was necessary to relaunch its agenda was disproved by the events of the 42<sup>nd</sup> Parliament, a Parliament in which there was no prorogation. In his view, the sole reason for the August 2020 prorogation was to end the committee investigations into the WE Charity contract.<sup>82</sup> In his opinion, both the 2008 and 2020 prorogations were the results of breakdowns and governance within the Liberal caucus.<sup>83</sup>

Philippe Lagassé, associate professor of international affairs, Carleton University, suggested to the Committee that an analytical framework could be employed to distinguish between "acceptable, purposeful prorogations" and "damaging, tactical prorogations." He indicated that a prorogation may be "wise or necessary" in certain circumstances, such as when Parliament has been in one session for an extended period of time and the government wishes to start afresh, or when a significant event leads the government to pursue a new slate of legislative measures. By contrast, a prorogation may be "tactical" in other circumstances, such as delaying a vote of non-confidence. Mr. Lagassé also stated that wise and acceptable prorogations should be as short as possible. Further, the political environment and parliamentary context are factors in determining whether or not a prorogation is tactical.<sup>84</sup> He also noted the government failed to communicate convincingly on its reasons for proroguing Parliament.<sup>85</sup>

Applying these criteria to the August 2020 prorogation, Mr. Lagassé stated that the pandemic was a significant event for which the government wanted to reset its agenda and priorities, which suggested that the prorogation had a legitimate purpose. However, he noted that other factors pointed to a tactical prorogation, such as the length of the prorogation and its impact on committees studying the contract awarded to the WE Charity.<sup>86</sup>

Mr. Lagassé stated that it was the opposition's role to criticize the tactical nature of a prorogation, and the government's role to explain its necessity. In the end, the

---

81      ibid., 1130.

82      Brodie, 1100, 1110.

83      ibid., 1100.

84      Lagassé, 1210, 1215.

85      ibid, 1235.

86      ibid.



electorate would decide, in the next election, which version they believed. However, he indicated that, in his view, the government failed to effectively communicate the reasons for the August 2020 prorogation. This did not mean that the prorogation was unnecessary, but that he was not convinced by the government’s message. According to Mr. Lagassé, the usefulness of a prorogation would have been more apparent had Parliament been sitting regularly during the pandemic.<sup>87</sup>

Patrick Taillon, professor of law, Laval University, stated that prorogation is a controversial mechanism in Canadian parliamentary law. In certain circumstances, it can be used to “pervert the functioning of a parliamentary system.”<sup>88</sup> Further, he criticized the government’s use of prorogation in August 2020, noting the government confused its legitimate interest with the best interest of the federation.<sup>89</sup> Mr. Taillon indicated that, in his view, the prorogation had the effect of putting the government’s short-term interests ahead of the best interests of the nation, by ending Parliament’s work in the midst of a health crisis. He stated that the government had several reasons for proroguing, including resetting its agenda and shutting down parliamentary committees. He indicated that it would have been preferable not to prorogue Parliament or, if the government had considered a prorogation necessary, to prorogue for a much shorter period of time, for example for just a day. Mr. Taillon noted, as did Mr. Lagassé, that the determination of whether or not a prorogation was controversial rested with parliamentarians and voters.<sup>90</sup>

Barbara Messamore, professor of history, University of the Fraser Valley, stated that the August 2020 prorogation was “entirely justifiable.”<sup>91</sup> She commented that it was unfortunate that prorogation had interrupted the parliamentary hearings into the WE Charity, referred to it as “absolutely ... a problem,”<sup>92</sup> but that the pandemic justified the decision to prorogue and allow for a new Speech from the Throne. In her view, the prorogation was a routine procedure to bring forward a government agenda.<sup>93</sup>

Kathy Brock, professor in the School of Policy Studies, Queen’s University, stated that the use of prorogation by governments to avoid committee hearings may create public

---

87 Ibid., 1235.

88 Taillon, 1115.

89 Ibid.

90 Ibid.

91 Messamore, 1225.

92 Ibid., 1235.

93 Ibid., 1225, 1255, 1330.

disillusionment and cynicism.<sup>94</sup> She also stated that prorogation, in general terms, is a mechanism to “reset” and emphasize new government priorities. In August 2020 the government was tired and under pressure, observing, “This is when a government makes very serious mistakes, and they are exposed to the public as failures of government, malfeasance or misdemeanours of some type”.<sup>95</sup> The prorogation gave the government and the public sector time to “regain their energy.”<sup>96</sup> However, in her view, the August 2020 prorogation was not absolutely necessary.<sup>97</sup>

Lori Turnbull, associate professor and director of the School of Public Administration, Dalhousie University, noted that the government’s October 2020 report contains no mention of the parliamentary committees studying the WE Charity. In her view, suspending these studies was a major reason for prorogation.<sup>98</sup> Further, Ms. Turnbull indicated that the August 2020 prorogation was unnecessary.<sup>99</sup> However, she stated that assessing the legal or constitutional necessity of a prorogation is a difficult matter, and that the existence of a political explanation does not rule out another explanation that is based on policy planning. In the current circumstances, she said, “[t]he government is free to offer its narrative on why it prorogued, but I don’t think it’s possible to look at the situation and ignore the other narrative that was dominant at that time.”<sup>100</sup> Ms. Turnbull noted that, the Standing Orders require the government to report to the House its reasons for prorogation. However, the Constitution does not require the prime minister to have good reasons for proroguing.<sup>101</sup>

On the matter of whether the August 2020 prorogation constituted an abuse of power, there were differing opinions among the witnesses. Mr. Lagassé and Ms. Brock stated that the prorogation was regrettable and problematic, but not abusive. Ms. Messamore indicated that the prorogation was not an abuse of power. Mr. Turp stated that the prorogation was an abuse of power, given its political context.<sup>102</sup>

---

94 Brock, 1230.

95 Ibid., 1255.

96 Ibid., 1255.

97 Ibid., 1330.

98 Turnbull, 1130, 1210.

99 Ibid., 1255.

100 Ibid, 1245.

101 Ibid., 1200, 1205.

102 Lagassé, 1325, Brock, 1325; Messamore, 1325, and Turp, 1255.



## **b) Duration of the prorogation**

Several witnesses provided the Committee with their opinion about the duration of the prorogation. Mr. Turp, Mr. Lagassé and Mr. Bratt considered the August 2020 prorogation to be unnecessarily long.<sup>103</sup> Mr. Turp indicated that the prorogation did not need to be several weeks long, as a Speech from the Throne can be quickly prepared.<sup>104</sup> Mr. Bratt told the Committee that in past instances, prorogations have lasted just one or two days.<sup>105</sup>

Mr. Taillon stated that a shorter prorogation could still have achieved the same objectives. He told the Committee that his greatest concern about the August 2020 prorogation was that its duration of six weeks during a crisis.<sup>106</sup> Mr. Brodie indicated that, in general terms, it is better to prorogue the day before Parliament is recalled and that way minimize the time that Parliament is not in session.<sup>107</sup> Hugo Cyr, professor political science and, Université du Québec à Montréal, also stated that a “reasonable prorogation” is one that does not last long, allowing Parliament to carry on its role and functions.<sup>108</sup>

## **c) Testimony from the prime minister**

Some witnesses told the Committee that hearing the prime minister’s testimony would be helpful to its study.

Mr. Brodie stated that the Committee’s study was setting a precedent for how to handle future reports on prorogations and he expressed hope that the prime minister would appear before the Committee to set that precedent.

During his testimony, Mr. Brodie provided members with suggested questions that they could pose to the prime minister about prorogation.<sup>109</sup> One potential question would be whether the prime minister had concerns that the August 2020 prorogation curtailed the work of the House of Commons, given the reduced number of sitting days held in

---

103 Turp, 1245; Lagassé, 1215; and Bratt, 1130.

104 Turp, 1245.

105 Bratt, 1130, 1140.

106 Taillon, 1130, 1140.

107 Brodie, 1100.

108 Cyr, 1215.

109 Brodie, 1100.

spring 2020 due to the COVID-19 pandemic. Further, Mr. Brodie noted that the length of the prorogation could have inhibited Parliament's ability to pass urgent legislation. He therefore recommended that the Committee ask the prime minister how risk would have been mitigated if urgent legislation was needed? Third, Mr. Brodie advised the Committee to ask the prime minister about the effect prorogation had on the debate on Bill C-7, An Act to amend the Criminal Code (medical assistance in dying). Lastly, given that prorogation suspended all committee studies, Mr. Brodie suggested that the prime minister be asked what steps he was prepared to take to "dispel the cloud over this aspect of his decision."<sup>110</sup>

Mr. Bratt, Mr. Taillon, Ms. Turnbull and Mr. Cyr stated that the prime minister's appearance before the Committee would be helpful to this study.<sup>111</sup> As Ms. Turnbull put it, "[i]f this is going to be a successful reform does it not make more sense to have the prime minister come and tell you this? The reasons are his."<sup>112</sup>

## **B. Reforms**

Some witnesses provided their views on potential constitutional or procedural reforms that could be made to prorogation, including clarifying current conventions and, in certain instances, circumscribing the prime minister's role.

In response to the question of whether constitutional amendments should be made to the act of prorogation, Mr. Sutherland stated that his office, in machinery of government, was very reluctant to propose changes that would depart from the conventions and traditions of Canada's parliamentary system.<sup>113</sup>

Mr. Turp told the Committee that Canada's constitutional law should be reviewed to provide a framework for prorogation. He stated that past governments had abused this power and that reforms were needed to protect Parliament. Further, Mr. Turp suggested that certain reforms could be made without necessarily requiring a constitutional amendment. He told the Committee that it ought to study mechanisms in place at other legislatures to circumscribe the power to prorogue.<sup>114</sup>

---

110 Ibid., 1105.

111 Bratt, 1125, 1150; Taillon, 1145; Turnbull, 1225; and Cyr, 1225.

112 Turnbull, 1230.

113 Sutherland, 1225.

114 Turp, 1245, 1255.



Similarly, Mr. Taillon stated that the vague nature of the constitutional convention of prorogation was a shortcoming of the Canadian parliamentary system. He stated that, at times, this lack of clarity exacerbated rather than mitigated political crises. Mr. Taillon suggested that Parliament study its unwritten conventions and consider codifying them, as is the case in New Zealand and the United Kingdom. However, he noted that the scope for reforming prorogation was limited, and that the most effective reform would be to place a time limit on the duration of a prorogation, with the view of establishing a new convention.<sup>115</sup>

Mr. Cyr indicated that the Standing Orders of the House of Commons could be amended to require the government to pass a resolution in the House adopting a prorogation. Without first passing such a resolution, the government would be deemed to have lost the confidence of the House and could not request a prorogation from the Governor General. In his view, amending the Standing Orders would ensure that a majority of members supported a given prorogation.<sup>116</sup>

Mr. Lagassé told the Committee that measures to codify the power to prorogue will always have gaps, and that there was no obvious solution. He noted that, in the United Kingdom, problems arose during efforts to eliminate conventional powers or transfer them to the House of Commons.<sup>117</sup>

Ms. Turnbull stated that the Standing Orders could not prevent the prime minister from giving advice to the Governor General on the exercise of constitutional powers.<sup>118</sup> She also stated that she does not know of any system, particularly Westminster systems, that has arrived at a “fantastic” accountability mechanism to circumscribe prorogation.<sup>119</sup>

In her written submission, Ms. Brock suggested that Parliament consider taking three actions related to prorogation. First, Parliament could ensure a robust debate and examination of the government’s report on prorogation, which would enhance the role of Parliament and its legitimacy as a defender of democracy in the public mind. Second, Parliament could examine the use of multi-party agreements and their effects on the ability of the House to hold the government to account. Lastly, Parliament could examine whether committee work ought to cease completely during a prorogation or should a

---

115 Taillon, 1120, 1150, 1205.

116 Cyr, 1150, 1235; Hugo Cyr, [The Prerogative of Prorogation and its Framework](#), Brief, 28 January 2021, p. 7.

117 Lagassé, 1310.

118 Turnbull, 1230.

119 Ibid., 1230.



mechanism be devised to allow certain committees to continue their work during a prorogation.<sup>120</sup>

Mr. Brodie's written submission proposed reforms to the prorogation report procedure, including requiring the prime minister to table the report, requiring the prime minister to appear before the Committee in defence of the report, and requiring a debate on the floor of the House of Commons on the report.<sup>121</sup>

### C. Role of the courts

Some witnesses brought up the judgment of the Supreme Court of the United Kingdom in *R (Miller) v The Prime Minister and Cherry v Advocate General for Scotland*, also known as Miller II. The case concerned whether the advice given by the prime minister to the Queen in August 2019 that the United Kingdom Parliament should be prorogued was unlawful. The Supreme Court of the United Kingdom ruled unanimously that the prime minister's advice was unlawful, as the prorogation would have prevented Parliament from carrying out its constitutional role, without reasonable justification. Some witnesses believe that this judgment could be an interesting precedent for Canada, because it would open the door to a judicial review of the reasons for a prorogation and its effects.

According to Mr. Turp, had the August 2020 prorogation been challenged, and the Supreme Court of Canada applied the same principles as the Supreme Court of the United Kingdom, it could have declared the prorogation unlawful.<sup>122</sup> Mr. Cyr also discussed the Miller II decision, stating it is difficult to predict what impact a similar decision would have in Canada. However, he pointed out that there are precedents for a judicial review of the prerogatives of the Crown, for example in *Khadr*.<sup>123</sup>

By contrast, Mr. Lagassé cautioned Canadian courts against following the example of the Supreme Court of the United Kingdom, stating that, in his view, prorogation should be viewed as a non-justiciable political question.<sup>124</sup>

---

120 Kathy L. Brock, *Prorogation: The Government's Constitutional and Legal Powers*, Brief, 10 December 2020, p. 7.

121 Ian Brodie, *Remarks to the Standing Committee on Procedure and House Affairs House of Commons*, 28 January 2021, p. 5.

122 Turp, 1210, 1240.

123 Cyr, 1150.

124 Lagassé, 1215.



Finally, Mr. Bratt stated that it might be interesting for the Committee to invite a British expert to testify about this decision, given the similarities between the British and Canadian systems.<sup>125</sup>

## FINDINGS AND RECOMMENDATIONS

In light of the evidence it received and the testimony it heard during this study, the Committee is pleased to present the following findings and recommendations.

### Findings

#### (a) The COVID-19 pandemic

The Committee recognizes:

**That the World Health Organization declared a pandemic on 11 March 2020, and that it continues today with 175.5 million cases worldwide, 3.8 million deaths and an estimated loss to the global economy of 22 trillion US dollars.<sup>126</sup>**

**That the COVID-19 pandemic is the most serious public health emergency since the 1918 influenza, and that it took “nine months to reach one million deaths, four months to reach two million deaths, three months to reach three million deaths,”<sup>127</sup> and that “with new variants compounding explosive outbreaks, the pandemic is far from over.”<sup>128</sup>**

**That in Canada, 2020-21 has been a very hard year with over 1.4 million COVID-19 cases, and that we remember the nearly 26,000 people we have lost to the virus, and the sacrifice of healthcare and frontline workers who put their own health at risk to keep their communities safe.**

**That on 18 August 2020, there were just over 360 new coronavirus infections detected in Canada, bringing the country’s case count to over 123,000, and on 2 June 2021, there were over 2,000 new cases bringing the country’s case count to 1.4 million cases.**

---

125 Bratt, 1145.

126 World Health Organization (WHO), *Director-General's opening remarks at the media briefing on COVID-19 – 28 May 2021*.

127 WHO, *Director-General's opening remarks at the media briefing on COVID-19 – 19 April 2021*.

128 WHO, *Director-General's opening remarks at the media briefing on COVID-19 – 28 May 2021*.

**That almost eighteen months into “the defining health crisis of our age, the world remains in a very dangerous situation,”<sup>129</sup> with more cases reported so far in 2021 than in the whole of 2020.**

### **(b) Reasons for August 2020 prorogation**

The Committee recognizes:

**That prorogation is a valuable tool and can serve an important function in our parliamentary democracy.**

**That the government’s report presents an incomplete, one-sided, self-flattering representation of why Parliament was prorogued and, therefore, represents a cynical failure of the accountability reform this same government claimed Standing Order 32(7) represents.**

**That nothing prevented the government from planning or consulting on a revised policy agenda, the reason it asserts for why Parliament was prorogued, without the prorogation of Parliament, similar to how it managed to avoid proroguing Parliament during the four-year life of the 42<sup>nd</sup> Parliament.**

**That, while the pandemic provided good prima facie grounds for prorogation at some point after the initial wave of the pandemic, the nature, timing and length of the prorogation clearly indicate that the prime minister’s decision to prorogue Parliament in August 2020 was principally motivated by the circumstances of the WE Charity scandal, including four parliamentary investigations, in an effort to protect the partisan interests of the prime minister and his government.**

**That Standing Order 32(7) was the prime minister’s own proposal for curbing the political abuses of the prorogation power and is of the view that his own behaviour betrays the inadequacy of his proposal.**

### **(c) The Committee’s 2020 prorogation study and testimony from prime minister**

The Committee observes:

---

129 WHO, *Director-General's opening remarks at the World Health Assembly - 24 May 2021*.



**That the Committee is deeply disappointed with the Liberal partisan tactic of a three-and-a-half-month filibuster on proposals to gather evidence a majority of the Committee felt was necessary to understand better the true, primary motivation for prorogation.**

**The Committee is of the view that a proper study of the reasons for prorogation must include the opportunity to question the sole decisionmaker and, consequently, the prime minister's failure to appear made it impossible for the committee to properly do its work. The Committee's effort to assess the reasons for prorogation were further frustrated by the fact that senior government advisors and witnesses involved in the WE Charity scandal declined the Committee's invitation to appear. On both accounts, the Committee's study was incomplete.**

**That the prime minister was delinquent in his duties to Parliament and the Canadian public in failing to appear before the Committee to explain his reasons for the August 2020 prorogation.**

## **Recommendations**

### **(a) Legislative reforms or status quo**

The Committee recommends:

**That prorogation should not be limited as it can be used in many circumstances, including but not limited to, political, legislative, policy-planning, or other reasons.**

**That it is inadvisable to pursue constitutional amendments touching upon the Governor General's authority to summon, prorogue or dissolve Parliament.**

### **(b) Procedural reforms**

The Committee recommends:

**That Standing Order 32(7) be replaced with the following:**

**(7) Not later than 20 sitting days after the beginning of the second or subsequent session of a Parliament, the Prime Minister shall lay upon the table a document outlining the reasons for the latest prorogation. This document shall be deemed permanently referred to the Standing Committee on Procedure and House Affairs immediately after it is presented in the House.**

Further, the Committee recommends:

**That, in the interests of transparency and in order to promote and foster democracy and democratic principles, including accountability, the prime minister sign and table the prorogation report provided for under Standing Order 32(7) himself, and that he appear in person before the Standing Committee on Procedure and House Affairs as part of any study undertaken by the Committee regarding the prorogation.**

### **(c) Extending the Committee's 2020 prorogation study**

The Committee recommends :

**That the prime minister set the record straight by taking the initiative to appear before the Standing Committee on Procedure and House Affairs in the 10 days following the adoption of this report by the Committee in order to provide explanations and answer the Committee's questions on the reasons leading to the decision to prorogue Parliament on August 18, 2020, when Canadians and Quebeckers were facing the COVID-19 pandemic, and in the midst of the WE Charity scandal (Canada Student Service Grant) and the resignation of his Minister of Finance.**

**That he do so in keeping with the reasons that led him to undertake amendments to the Standing Orders in 2017, as regards the provisions to ensure more transparency in the process of the prorogation of Parliament, and that he show his willingness to set a precedent by appearing before the Committee, so that future prime ministers who choose to prorogue Parliament will do the same.**

### **(d) Future study of the Standing Orders**

The Committee recommends:

**That the Committee be instructed, as part of its forthcoming general review of the procedure of the House and its committees, pursuant to Standing Orders 51(2) and 108(3)(a)(iii), to study potential procedural "disincentives" for a government to prorogue Parliament, including:**

**(a) amendments to the *Parliament of Canada Act*, under the provisions of section 44 of the *Constitution Act, 1982*, authorizing one or more of the House's committees to meet during a prorogation of Parliament, consistent with the similar authority currently enjoyed by the Standing**



**Senate Committee on Internal Economy, Budgets and Administration, under subsection 19.1(2) of the *Parliament of Canada Act*;**

**(b) amendments to Standing Order 49, which automatically renews House Orders and Addresses for papers following a prorogation, to apply also to committee orders for papers;**

**(c) amendments to Standing Order 81(10)(b), which reduces the number of allotted (opposition) days when the House does not sit as scheduled, to preserve any allotted days which would have been lost due to a prorogation;**

**(d) amendments to Standing Order 81(10)(a), which sets out the number of allotted (opposition) days in each supply period, to require additional allotted days to be scheduled following a prorogation;**

**(e) amendments to Standing Order 54, which requires 48 hours' notice for the consideration of any motion, to require additional notice for any government motion which would have the effect of reinstating government business which lapsed at prorogation;**

**(f) amendments to the Standing Orders, generally, to schedule additional consideration of Private Members' Business, in the place of Government Orders, in the initial days of a second or subsequent session of Parliament; and**

**(g) further amendments to Standing Order 32(7), to require a Prime Minister to appear before this Committee following the tabling of a prorogation report.**

## **APPENDIX A**

---

Pursuant to the motion adopted on 3 June 2021, the Committee notes that the Right Honourable Justin Trudeau did not accept the Committee's second invitation to appear, and therefore did not appear before the Committee in the context of this study.





## APPENDIX B - PROROGATIONS OF THE PARLIAMENT OF CANADA FROM 1867 TO THE PRESENT

Parliament	Prorogation	Date of prorogation	Date of return	Prime Minister at the time of prorogation <sup>1</sup>	Political Affiliation	Majority or Minority
43 <sup>rd</sup> Parliament	Between sessions 1 and 2	2020-08-18	2020-09-23	The Right Hon. Justin Trudeau	Liberal Party of Canada	Liberal minority
42 <sup>nd</sup> Parliament	No Prorogation	N/a	N/a	The Right Hon. Justin Trudeau	Liberal Party of Canada	Liberal majority
41 <sup>st</sup> Parliament	Between sessions 1 and 2	2013-09-13	2013-10-16	The Right Hon. Stephen Harper	Conservative Party of Canada	Conservative majority
40 <sup>th</sup> Parliament	Between sessions 2 and 3	2009-12-30	2010-03-03	The Right Hon. Stephen Harper	Conservative Party of Canada	Conservative minority
40 <sup>th</sup> Parliament	Between sessions 1 and 2	2008-12-04	2009-01-26	The Right Hon. Stephen Harper	Conservative Party of Canada	Conservative minority
39 <sup>th</sup> Parliament	Between sessions 1 and 2	2007-09-14	2007-10-16	The Right Hon. Stephen Harper	Conservative Party of Canada	Conservative minority
38 <sup>th</sup> Parliament	No Prorogation	N/a	N/a	The Right Hon. Paul Martin	Liberal Party of Canada	Liberal minority
37 <sup>th</sup> Parliament	Between sessions 2 and 3	2003-11-12	2004-02-02	The Right Hon. Jean Chrétien	Liberal Party of Canada	Liberal majority
37 <sup>th</sup> Parliament	Between sessions 1 and 2	2002-09-16	2002-09-30	The Right Hon. Jean Chrétien	Liberal Party of Canada	Liberal majority
36 <sup>th</sup> Parliament	Between sessions 1 and 2	1999-09-18	1999-10-12	The Right Hon. Jean Chrétien	Liberal Party of Canada	Liberal majority

<sup>1</sup> For Parliaments where no prorogation occurred, the name of the prime minister is nonetheless provided.

Parliament	Prorogation	Date of prorogation	Date of return	Prime Minister at the time of prorogation <sup>1</sup>	Political Affiliation	Majority or Minority
35 <sup>th</sup> Parliament	Between sessions 1 and 2	1996-02-02	1996-02-27	The Right Hon. Jean Chrétien	Liberal Party of Canada	Liberal majority
34 <sup>th</sup> Parliament	Between sessions 2 and 3	1991-05-12	1991-05-13	The Right Hon. Brian Mulroney	Progressive Conservative Party of Canada	Progressive Conservative majority
34 <sup>th</sup> Parliament	Between sessions 1 and 2	1989-02-28	1989-04-03	The Right Hon. Brian Mulroney	Progressive Conservative Party of Canada	Progressive Conservative majority
33 <sup>rd</sup> Parliament	Between sessions 1 and 2	1986-08-28	1986-09-30	The Right Hon. Brian Mulroney	Progressive Conservative Party of Canada	Progressive Conservative majority
32 <sup>nd</sup> Parliament	Between sessions 1 and 2	1983-11-30	1983-12-07	The Right Hon. Pierre E. Trudeau	Liberal Party of Canada	Liberal majority
31 <sup>st</sup> Parliament	No Prorogation	N/a	N/a	The Right Hon. Joseph Clark	Progressive Conservative Party of Canada	Progressive Conservative minority
30 <sup>th</sup> Parliament	Between sessions 3 and 4	1978-10-10	1978-10-11	The Right Hon. Pierre E. Trudeau	Liberal Party of Canada	Liberal majority
30 <sup>th</sup> Parliament	Between sessions 2 and 3	1977-10-17	1977-10-18	The Right Hon. Pierre E. Trudeau	Liberal Party of Canada	Liberal majority
30 <sup>th</sup> Parliament	Between sessions 1 and 2	1976-10-12	1976-10-12	The Right Hon. Pierre E. Trudeau	Liberal Party of Canada	Liberal majority
29 <sup>th</sup> Parliament	Between sessions 1 and 2	1974-02-26	1974-02-27	The Right Hon. Pierre E. Trudeau	Liberal Party of Canada	Liberal minority
28 <sup>th</sup> Parliament	Between sessions 3 and 4	1972-02-16	1972-02-17	The Right Hon. Pierre E. Trudeau	Liberal Party of Canada	Liberal majority

Parliament	Prorogation	Date of prorogation	Date of return	Prime Minister at the time of prorogation <sup>1</sup>	Political Affiliation	Majority or Minority
28 <sup>th</sup> Parliament	Between sessions 2 and 3	1970-10-07	1970-10-08	The Right Hon. Pierre E. Trudeau	Liberal Party of Canada	Liberal majority
28 <sup>th</sup> Parliament	Between sessions 1 and 2	1969-10-22	1969-10-23	The Right Hon. Pierre E. Trudeau	Liberal Party of Canada	Liberal majority
27 <sup>th</sup> Parliament	Between sessions 1 and 2	1967-05-08	1967-05-08	The Right Hon. Lester B. Pearson	Liberal Party of Canada	Liberal minority
26 <sup>th</sup> Parliament	Between sessions 2 and 3	1965-04-03	1965-04-05	The Right Hon. Lester B. Pearson	Liberal Party of Canada	Liberal minority
26 <sup>th</sup> Parliament	Between sessions 1 and 2	1963-12-21	1964-02-18	The Right Hon. Lester B. Pearson	Liberal Party of Canada	Liberal minority
25 <sup>th</sup> Parliament	No Prorogation	N/a	N/a	The Right Hon. John Diefenbaker	Progressive Conservative Party of Canada	Progressive Conservative minority
24 <sup>th</sup> Parliament	Between sessions 4 and 5	1961-09-29	1962-01-18	The Right Hon. John Diefenbaker	Progressive Conservative Party of Canada	Progressive Conservative majority
24 <sup>th</sup> Parliament	Between sessions 3 and 4	1960-08-10	1960-11-17	The Right Hon. John Diefenbaker	Progressive Conservative Party of Canada	Progressive Conservative majority
24 <sup>th</sup> Parliament	Between sessions 2 and 3	1959-07-18	1960-01-14	The Right Hon. John Diefenbaker	Progressive Conservative Party of Canada	Progressive Conservative majority
24 <sup>th</sup> Parliament	Between sessions 1 and 2	1958-09-06	1959-01-15	The Right Hon. John Diefenbaker	Progressive Conservative Party of Canada	Progressive Conservative majority
23 <sup>rd</sup> Parliament	No Prorogation	N/a	N/a	The Right Hon. John Diefenbaker	Progressive Conservative Party of Canada	Progressive Conservative minority

Parliament	Prorogation	Date of prorogation	Date of return	Prime Minister at the time of prorogation <sup>1</sup>	Political Affiliation	Majority or Minority
22 <sup>nd</sup> Parliament	End of session 5	12-04-1957	N/a	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority
22 <sup>nd</sup> Parliament	Between sessions 4 and 5	1957-01-08	1957-01-08	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority
22 <sup>nd</sup> Parliament	Between sessions 3 and 4	1956-08-14	1956-11-26	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority
22 <sup>nd</sup> Parliament	Between sessions 2 and 3	1955-07-28	1956-01-10	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority
22 <sup>nd</sup> Parliament	Between sessions 1 and 2	1954-06-26	1955-01-07	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority
21 <sup>st</sup> Parliament	End of session 7	1953-05-14	N/a	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority
21 <sup>st</sup> Parliament	Between sessions 6 and 7	1952-11-20	1952-11-20	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority
21 <sup>st</sup> Parliament	Between sessions 5 and 6	1951-12-29	1952-02-28	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority
21 <sup>st</sup> Parliament	Between sessions 4 and 5	1951-10-09	1951-10-09	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority
21 <sup>st</sup> Parliament	Between sessions 3 and 4	1951-01-29	1951-01-30	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority
21 <sup>st</sup> Parliament	Between sessions 2 and 3	1950-06-30	1950-08-29	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority
21 <sup>st</sup> Parliament	Between sessions 1 and 2	1949-12-10	1950-02-16	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority

Parliament	Prorogation	Date of prorogation	Date of return	Prime Minister at the time of prorogation <sup>1</sup>	Political Affiliation	Majority or Minority
20 <sup>th</sup> Parliament	End of session 5	1949-04-30	N/a	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority <sup>2</sup>
20 <sup>th</sup> Parliament	Between sessions 4 and 5	1948-06-30	1949-01-26	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority*
20 <sup>th</sup> Parliament	Between sessions 3 and 4	1947-07-17	1947-12-05	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority*
20 <sup>th</sup> Parliament	Between sessions 2 and 3	1946-08-31	1947-01-30	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority*
20 <sup>th</sup> Parliament	Between sessions 1 and 2	1945-12-18	1946-03-14	The Right Hon. Louis St. Laurent	Liberal Party of Canada	Liberal majority*
19 <sup>th</sup> Parliament	End of session 6	1945-04-16	N/a	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority
19 <sup>th</sup> Parliament	Between session 5 and 6	1945-01-31	1945-03-19	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority
19 <sup>th</sup> Parliament	Between sessions 4 and 5	1944-01-26	1944-01-27	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority
19 <sup>th</sup> Parliament	Between sessions 3 and 4	1943-01-27	1943-01-28	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority
19 <sup>th</sup> Parliament	Between sessions 2 and 3	1942-01-21	1942-01-22	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority

<sup>2</sup> Like in 1926, even though the Liberals elected a minority of Members with 118, they were able to form a majority government with the support of Independent Liberal Members and a Liberal Progressive Member.

Parliament	Prorogation	Date of prorogation	Date of return	Prime Minister at the time of prorogation <sup>1</sup>	Political Affiliation	Majority or Minority
19 <sup>th</sup> Parliament	Between sessions 1 and 2	1940-11-05	1940-11-07	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority
18 <sup>th</sup> Parliament	Between session 5 and 6	1939-09-13	1940-01-25	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority
18 <sup>th</sup> Parliament	Between sessions 4 and 5	1939-06-03	1939-09-07	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority
18 <sup>th</sup> Parliament	Between sessions 3 and 4	1938-07-01	1939-01-12	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority
18 <sup>th</sup> Parliament	Between sessions 2 and 3	1937-04-10	1938-01-27	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority
18 <sup>th</sup> Parliament	Between sessions 1 and 2	1936-06-23	1937-01-14	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority
17 <sup>th</sup> Parliament	End of session 6	1935-07-05	N/a	The Right Hon. R.B. Bennett	Conservative Party of Canada	Conservative majority
17 <sup>th</sup> Parliament	Between sessions 5 and 6	1934-07-03	1935-01-17	The Right Hon. R.B. Bennett	Conservative Party of Canada	Conservative majority
17 <sup>th</sup> Parliament	Between sessions 4 and 5	1933-05-27	1934-01-25	The Right Hon. R.B. Bennett	Conservative Party of Canada	Conservative majority
17 <sup>th</sup> Parliament	Between sessions 3 and 4	1932-05-26	1932-10-06	The Right Hon. R.B. Bennett	Conservative Party of Canada	Conservative majority
17 <sup>th</sup> Parliament	Between sessions 2 and 3	1931-08-03	1932-02-04	The Right Hon. R.B. Bennett	Conservative Party of Canada	Conservative majority

Parliament	Prorogation	Date of prorogation	Date of return	Prime Minister at the time of prorogation <sup>1</sup>	Political Affiliation	Majority or Minority
17 <sup>th</sup> Parliament	Between sessions 1 and 2	1930-09-22	1931-03-12	The Right Hon. R.B. Bennett	Conservative Party of Canada	Conservative majority
16 <sup>th</sup> Parliament	End of session 4	1930-05-30	N/a	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority <sup>3</sup>
16 <sup>th</sup> Parliament	Between sessions 3 and 4	1929-06-14	1930-02-20	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority*
16 <sup>th</sup> Parliament	Between sessions 2 and 3	1928-06-11	1929-02-07	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority*
16 <sup>th</sup> Parliament	Between sessions 1 and 2	1927-04-14	1928-01-26	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal majority*
15 <sup>th</sup> Parliament	No Prorogation	N/a	N/a	The Right Hon. W.L. Mackenzie King and The Right Hon. Arthur Meighen	Liberal Party of Canada and Conservative Party of Canada	Liberal minority <sup>4</sup>

3 Even though the Liberals elected a minority of members with 116, the Right Hon. W. L. Mackenzie King was able to form a government regarded as a majority with the support of Progressive Liberal members.

4 Even though the Conservatives elected more members than the Liberals, the Right Hon. W. L. Mackenzie King, himself defeated in York North, Ontario, remained prime minister with the support of the Progressives. On 26 June, 1926, the prime minister asked the Governor General to dissolve Parliament and order a general election. The Governor General refused and Mr. Mackenzie King resigned. The Governor General subsequently asked the Right Hon. Arthur Meighen to form a government, which he did on 29 June, 1926, with the support of a minority of members. This government retained the confidence of the House for only three days and was defeated on 1 July, 1926. The 15<sup>th</sup> Parliament was dissolved the following day.

Parliament	Prorogation	Date of prorogation	Date of return	Prime Minister at the time of prorogation <sup>1</sup>	Political Affiliation	Majority or Minority
14 <sup>th</sup> Parliament	End of session 4	1925-06-27	N/a	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal minority <sup>5</sup>
14 <sup>th</sup> Parliament	Between sessions 3 and 4	1924-07-19	1925-02-05	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal minority*
14 <sup>th</sup> Parliament	Between sessions 2 and 3	1923-06-30	1924-02-28	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal minority*
14 <sup>th</sup> Parliament	Between sessions 1 and 2	1922-06-27	1923-01-31	The Right Hon. W.L. Mackenzie King	Liberal Party of Canada	Liberal minority*
13 <sup>th</sup> Parliament	End of session 5	1921-06-04	N/a	The Right Hon. Arthur Meighen	Unionist	Unionist majority <sup>6</sup>
13 <sup>th</sup> Parliament	Between session 4 and 5	1920-07-01	1921-02-14	The Right Hon. Sir Robert Borden	Unionist	Unionist majority*
13 <sup>th</sup> Parliament	Between sessions 3 and 4	1919-11-10	1920-02-26	The Right Hon. Sir Robert Borden	Unionist	Unionist majority*
13 <sup>th</sup> Parliament	Between sessions 2 and 3	1919-07-07	1919-09-01	The Right Hon. Sir Robert Borden	Unionist	Unionist majority*

5 Although the Liberals elected 118 members, the minimum number required to have a majority of seats in the House, in the general election of 6 December, 1921, changes in political affiliation, resignations, by-elections and deaths in office caused the Liberals to swing between a majority and minority of seats. The government formed by Mr. Mackenzie King was therefore considered the first minority government since 1867. The Liberals were able to govern with the support of the Progressives.

6 On 12 October, 1917, the Right Hon. Sir Robert Borden formed a cabinet known as the Unionist government, which brought together Conservative, Liberal-Conservative and Liberal members of Parliament who supported conscription during the First World War. These members campaigned under the Unionist banner and were elected in the general election of 17 December, 1917. The results of the 1917 general election led to a majority Unionist government.



Parliament	Prorogation	Date of prorogation	Date of return	Prime Minister at the time of prorogation <sup>1</sup>	Political Affiliation	Majority or Minority
13 <sup>th</sup> Parliament	Between sessions 1 and 2	1918-05-23	1919-02-20	The Right Hon. Sir Robert Borden	Unionist	Unionist majority*
12 <sup>th</sup> Parliament	End of session 7	1917-09-20	N/a	The Right Hon. Sir Robert Borden	Conservative Party of Canada	Conservative majority
12 <sup>th</sup> Parliament	Between session 6 and 7	1916-05-18	1917-01-18	The Right Hon. Sir Robert Borden	Conservative Party of Canada	Conservative majority
12 <sup>th</sup> Parliament	Between session 5 and 6	1915-04-15	1916-01-12	The Right Hon. Sir Robert Borden	Conservative Party of Canada	Conservative majority
12 <sup>th</sup> Parliament	Between session 4 and 5	1914-08-22	1915-02-04	The Right Hon. Sir Robert Borden	Conservative Party of Canada	Conservative majority
12 <sup>th</sup> Parliament	Between sessions 3 and 4	1914-06-12	1914-08-18	The Right Hon. Sir Robert Borden	Conservative Party of Canada	Conservative Majority
12 <sup>th</sup> Parliament	Between sessions 2 and 3	1913-06-06	1914-01-15	The Right Hon. Sir Robert Borden	Conservative Party of Canada	Conservative majority
12 <sup>th</sup> Parliament	Between sessions 1 and 2	1912-01-04	1912-11-21	The Right Hon. Sir Robert Borden	Conservative Party of Canada	Conservative majority
11 <sup>th</sup> Parliament	End of session 3	1911-07-29	N/a	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
11 <sup>th</sup> Parliament	Between sessions 2 and 3	1910-05-04	1910-11-07	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
11 <sup>th</sup> Parliament	Between sessions 1 and 2	1909-05-19	1909-11-11	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
10 <sup>th</sup> Parliament	End of session 4	1908-07-20	N/a	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority

Parliament	Prorogation	Date of prorogation	Date of return	Prime Minister at the time of prorogation <sup>1</sup>	Political Affiliation	Majority or Minority
10 <sup>th</sup> Parliament	Between sessions 3 and 4	1907-04-27	1907-11-28	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
10 <sup>th</sup> Parliament	Between sessions 2 and 3	1906-07-13	1906-11-22	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
10 <sup>th</sup> Parliament	Between sessions 1 and 2	1905-07-20	1906-03-08	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
9 <sup>th</sup> Parliament	End of session 4	1904-08-10	N/a	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
9 <sup>th</sup> Parliament	Between sessions 3 and 4	1903-10-24	1904-03-10	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
9 <sup>th</sup> Parliament	Between sessions 2 and 3	1902-05-15	1903-03-12	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
9 <sup>th</sup> Parliament	Between sessions 1 and 2	1901-05-23	1902-02-13	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
8 <sup>th</sup> Parliament	End of session 5	1900-07-18	N/a	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
8 <sup>th</sup> Parliament	Between sessions 4 and 5	1899-08-11	1900-02-01	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
8 <sup>th</sup> Parliament	Between sessions 3 and 4	1898-06-13	1899-03-16	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
8 <sup>th</sup> Parliament	Between sessions 2 and 3	1897-06-29	1898-02-03	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority
8 <sup>th</sup> Parliament	Between sessions 1 and 2	1896-10-05	1897-03-25	The Right Hon. Sir Wilfrid Laurier	Liberal Party of Canada	Liberal majority

Parliament	Prorogation	Date of prorogation	Date of return	Prime Minister at the time of prorogation <sup>1</sup>	Political Affiliation	Majority or Minority
7 <sup>th</sup> Parliament	End of session 6	1896-04-23	N/a	The Right Hon. Sir Charles Tupper	Liberal-Conservative <sup>7</sup>	Conservative majority
7 <sup>th</sup> Parliament	Between sessions 5 and 6	1895-07-22	1896-01-02	The Hon. Sir Mackenzie Bowell	Conservative	Conservative majority
7 <sup>th</sup> Parliament	Between sessions 4 and 5	1894-07-23	1895-04-18	The Right Hon. Sir John Thompson	Liberal-Conservative and Conservative	Conservative majority
7 <sup>th</sup> Parliament	Between sessions 3 and 4	1893-04-01	1894-03-15	The Right Hon. Sir John Thompson	Liberal-Conservative	Conservative majority
7 <sup>th</sup> Parliament	Between sessions 2 and 3	1892-07-09	1893-01-26	The Hon. Sir John Abbott	Liberal-Conservative	Conservative majority
7 <sup>th</sup> Parliament	Between sessions 1 and 2	1891-09-30	1892-02-25	The Hon. Sir John Abbott	Liberal-Conservative	Conservative majority
6 <sup>th</sup> Parliament	End of session 4	1890-05-16	N/a	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority
6 <sup>th</sup> Parliament	Between sessions 3 and 4	1889-05-02	1890-01-16	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority
6 <sup>th</sup> Parliament	Between sessions 2 and 3	1888-05-22	1889-01-31	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority
6 <sup>th</sup> Parliament	Between sessions 1 and 2	1887-06-23	1888-02-23	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority
5 <sup>th</sup> Parliament	End of session 4	1886-06-02	N/a	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority

<sup>7</sup> Liberal-Conservative and Conservative members always sat together in the House of Commons and, if applicable, in the same government.

Parliament	Prorogation	Date of prorogation	Date of return	Prime Minister at the time of prorogation <sup>1</sup>	Political Affiliation	Majority or Minority
5 <sup>th</sup> Parliament	Between sessions 3 and 4	1885-07-20	1886-02-25	Sir John A. Macdonald	Liberal-Conservative	Conservative majority
5 <sup>th</sup> Parliament	Between sessions 2 and 3	1884-04-19	1885-01-29	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority
5 <sup>th</sup> Parliament	Between sessions 1 and 2	1883-05-25	1884-01-17	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority
4 <sup>th</sup> Parliament	End of session 4	1882-05-17	N/a	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority
4 <sup>th</sup> Parliament	Between sessions 3 and 4	1881-03-21	1882-02-09	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority
4 <sup>th</sup> Parliament	Between sessions 2 and 3	1880-05-07	1880-12-09	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority
4 <sup>th</sup> Parliament	Between sessions 1 and 2	1879-05-15	1880-02-12	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority
3 <sup>rd</sup> Parliament	End of session 5	1878-05-10	N/a	The Hon. Alexander Mackenzie	Liberal Party of Canada	Liberal majority
3 <sup>rd</sup> Parliament	Between sessions 4 and 5	1877-04-28	1878-02-07	The Hon. Alexander Mackenzie	Liberal Party of Canada	Liberal majority
3 <sup>rd</sup> Parliament	Between sessions 3 and 4	1876-04-12	1877-02-08	The Hon. Alexander Mackenzie	Liberal Party of Canada	Liberal majority
3 <sup>rd</sup> Parliament	Between sessions 2 and 3	1875-04-08	1876-02-10	The Hon. Alexander Mackenzie	Liberal Party of Canada	Liberal majority
3 <sup>rd</sup> Parliament	Between sessions 1 and 2	1874-05-26	1875-02-04	The Hon. Alexander Mackenzie	Liberal Party of Canada	Liberal majority

Parliament	Prorogation	Date of prorogation	Date of return	Prime Minister at the time of prorogation <sup>1</sup>	Political Affiliation	Majority or Minority
2 <sup>nd</sup> Parliament	End of session 2	1873-11-07	N/a	The Hon. Alexander Mackenzie	Liberal Party of Canada	Conservative majority <sup>8</sup>
2 <sup>nd</sup> Parliament	Between sessions 1 and 2	1873-08-13	1873-10-23	The Right Hon. Sir John a Macdonald	Liberal-Conservative	Conservative majority*
1 <sup>st</sup> Parliament	End of session 5	1872-06-14	N/a	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority
1 <sup>st</sup> Parliament	Between sessions 4 and 5	1871-04-14	1872-04-11	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority
1 <sup>st</sup> Parliament	Between sessions 3 and 4	1870-05-12	1871-02-15	The Right Hon. Sir John a Macdonald	Liberal-Conservative	Conservative majority
1 <sup>st</sup> Parliament	Between sessions 2 and 3	1869-06-22	1870-02-15	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority
1 <sup>st</sup> Parliament	Between sessions 1 and 2	1868-05-22	1869-04-15	The Right Hon. Sir John A. Macdonald	Liberal-Conservative	Conservative majority

Source: [“Appendix 6 Government Ministries and Prime Ministers of Canada Since 1867,”](#) House of Commons Procedure and Practice, Third Edition, 2017; [“Appendix 10 General Election Results Since 1867,”](#) House of Commons Procedure and Practice, Third Edition, 2017. [“Appendix 11 Parliaments Since 1867 and Number of Sitting Days,”](#) House of Commons Procedure and Practice, Third Edition, 2017.

8 On 5 November, 1873, the government led by the Right Hon. Sir John A. Macdonald resigned as a result of the Canadian Pacific Railway scandal. On 7 November, 1873, the Liberals, led by the Hon. Alexander Mackenzie, formed a government and the second Session was prorogued. The 2<sup>nd</sup> Parliament was subsequently dissolved on 2 January, 1874.



**APPENDIX C -  
REPORT TO PARLIAMENT: AUGUST 2020  
PROROGATION – COVID-19 PANDEMIC**

---







# Report to Parliament: August 2020 Prorogation - COVID-19 pandemic

OCTOBER 2020

## **Introduction:**

Pursuant to Standing Order 32(7), this report shall set out the reasons for the recent prorogation of Parliament.

In 2015, our government committed to changing the Standing Orders to ensure that ours and future federal governments remain transparent with Canadians in all aspects of governance, including the use of prorogation. This report is intended to provide parliamentarians, and all Canadians, with greater clarity about why our government prorogued Parliament in August 2020.

Prior to 2015, prorogation had been used by the previous government as a tool to further what many Canadians believed were purely political outcomes. For example, in 2008, as the country was experiencing the devastating effects of a global financial crisis, the government of the day prorogued to avoid a confidence vote that could potentially have caused its fall.

Our government's Speech from the Throne in December 2019, following the October election, set out a number of important commitments. These included, but were not limited to, achieving net-zero emissions by 2050; legislating the implementation of the United Nations Declaration on the Rights of Indigenous Peoples; furthering free and fair trade, and investing in affordable housing across the country.

While these remain core commitments, it became clear in the first half of 2020 that the 2019 Speech from the Throne – through which our government had obtained the confidence of Members of Parliament in the House of Commons – no longer represented the context in which we would govern. The cause of this upheaval, of course, was the COVID-19 pandemic.

## **The COVID-19 Pandemic:**

On March 11, 2020, the World Health Organization declared a global pandemic, the impacts of which were felt immediately and worldwide, including in Canada. Schools and businesses were closed. Within days, Canada's borders were closed to the world. And millions of Canadian families faced a frightening situation in which they were uncertain of how they would pay rent, mortgages and bills, or put food on the table.

In March alone, Canada's Gross Domestic Product contracted by 7.2 per cent and more than a million jobs were lost. In April, there was a further drop of 11.6 per cent, with 1.99 million jobs lost. Millions of Canadians now faced dire financial straits, in addition to concerns about their health and that of their loved ones.

We took early and significant actions to support our health care systems across the country. On March 11, the Prime Minister announced \$500 million for provinces and territories to support our critical health care systems, and to provide access to testing, the acquisition of equipment, and to enhance monitoring of the virus.

Working with unprecedented speed, the Government of Canada introduced emergency programs to mitigate the harm to Canadian families and businesses alike. Canada entered this crisis with a strong balance sheet, the lowest net debt-to-GDP ratio in the G7, and historically low borrowing rates, giving our government the ability to respond to the immediate needs of Canadians with decisive action.

Through the Canada Emergency Response Benefit, more than 8.9 million unique applicants have received the support they needed to safely stay home and help slow the spread of the virus. For low-income essential workers, our true pandemic heroes, we worked with the provinces and territories to create a \$3 billion wage top-up program. So families would have more money in their pockets to weather this crisis, we introduced a one-time Goods and Services Tax (GST) Credit – on average, giving single adults almost \$400, and couples almost \$600 – as well as a special one-time \$300 top-up of the Canada Child Benefit.

It was clear from the outset that certain groups within our country were disproportionately affected by this crisis. That's why for our seniors, we put in place an OAS and GIS top-up, and for Canadians living with disabilities, we brought forward a one-time, tax-free payment of \$600. We invested to support Canada's food banks, help community partners address the shelter and safety needs of people experiencing homelessness, and introduced support for over 500 women's shelters and sexual assault centres.

Working with First Nation, Métis, and Inuit partners, we have invested \$2.2 billion to build on community-led solutions to support an immediate public health, social, and economic response to the pandemic in Indigenous communities. And for students, who faced a very different job market this past summer, we created the Canada Emergency Student Benefit, which provided income support to over 700,000 students and recent graduates.

Through the Canada Emergency Wage Subsidy, more than 3.7 million people have had their jobs supported, as their employers have been able to continue providing them a pay cheque. Our government worked collaboratively with the House of Commons and the Senate, to facilitate passage of these vital measures.

To ensure Canada's small, medium, and large size businesses across all sectors could stay afloat, we created further measures that would save jobs and keep businesses' doors open. These include the Business Credit Availability Program and support for local jobs and regional economies across Canada through each of Canada's six Regional Development Agencies. Additionally, the Canada Emergency Commercial Rent Assistance for Small Businesses has helped over 137,000 small businesses pay their rent.

In response to this crisis, our government stepped up quickly, as did industry. From the outset, Canada's strategy has been to aggressively procure personal protective equipment in a highly competitive global marketplace, while at the same time, diversifying our supply chains with domestic suppliers. Since March, we have received approximately 2 billion masks, gloves, gowns, and face shields to protect front line workers and people across the country.

To help Canada fight COVID-19, the Government of Canada encouraged businesses and manufacturers to assist in meeting the need for medical supplies and equipment. More than 6,000 companies reached out to ask how they could help. It resulted in Canadian companies retooling their facilities and increasing their production capacity, collecting and donating existing supplies and equipment, and combining resources to help manufacture made in Canada supplies.

We have told Canadians that when a vaccine is ready, Canada will be ready. That is why, early on in the pandemic, we invested \$1.4 billion to support COVID-19 medical research and vaccine development, and established the COVID-19 Immunity Task Force.

From the start, it was clear that the public-health and economic crises were inextricably linked. It is why we introduced the \$19 billion Safe Restart Agreement to help provinces and territories safely restart their economies and make our country more resilient to possible future surges of COVID-19.

This support meant provinces and territories could increase testing and contact tracing, better support the capacity of our health care systems, including with mental health supports, assist with the procurement of personal protective equipment to help our essential workers, and protect the most vulnerable like our seniors. Only by first defeating the virus could Canadians restore a healthy, vibrant economy and job market.

Due to this unprecedented national effort, Canadians had effectively flattened the curve by the summer months. But the battle against COVID-19 was and remains far from over. On August 17, the day before prorogation, the Chief Public Health Officer of Canada, Dr. Theresa Tam, noted:

*Our efforts indicate that we are keeping COVID-19 spread under manageable control but the virus is still circulating in Canada and we must not let down our guard. The shape of our national epidemic curve over time, including what impact COVID-19 might have this fall, will be influenced by our collective commitment and actions to keep infection rates low.*

That same day, after seeing a single day high of 1,104 cases in April, Quebec reported only 55 new cases, while Ontario recorded its second straight day of fewer than 100 new cases. The Atlantic Provinces and the Territories were continuing to win their battle against the virus. Despite the success in some parts of our country, other provinces that had seen success were experiencing new challenges. British Columbia reported its highest daily COVID-19 case number to that point on August 17, and the City of Edmonton moved onto Alberta's "watch list." At that point there had been more than 122,000 reported cases of COVID-19 across the country, and more than 9,000 families had lost loved ones.

Though Canada's Gross Domestic Product recovered in May by 4.8 per cent, and in June by 6.5 per cent, the pace of growth slackened in July, and again in August. Indeed, as of August, 1.8 million Canadian workers continued to be affected by the COVID-19 economic shutdown, including more than a million whose jobs were lost and some 700,000 people still coping with reduced hours.

Moreover, despite the success in flattening the curve in some regions of Canada, and our work to prepare for the fall, it was already clear in August that the colder months would bring new and more difficult challenges, for which we needed to prepare. Medical experts from across Canada made it clear that the question was not whether there would be a second wave, but how bad it would be. It was anticipated that some parts of the country would have to return to lockdown, costing more Canadians their jobs, and that, tragically, more of our fellow Canadians would sicken and die.

Five and a half months into this pandemic – the greatest challenge Canadians have faced since the Second World War – the people of Canada deserved to know that the federal government had a bold and comprehensive plan to get them through whatever challenge would come next.

They also deserved to know that the government and all parliamentarians elected on their behalf would continue to stand up and support them in their time of need.

In order for this to be the case, our government was duty-bound and honour-bound to ensure we had the continued confidence of the House of Commons. We needed to outline a clear, realistic plan on which parliamentarians would have the opportunity to vote. This was the only clear and transparent way to ensure that the federal government could continue to provide the support on which Canadians were relying.

### **Prorogation:**

On August 18, the Prime Minister spoke directly to Canadians about prorogation, acknowledging the hard work and dedication that had been required to get to this point, but also stating clearly that we were not out of the woods:

*Right now, the world is at a crossroads; Canada is at a crossroads. As economies relaunch, we're seeing COVID-19 reappear in places like Australia and New Zealand. It's their winter right now, but ours is still ahead. We have to be vigilant, because we've worked too hard and sacrificed too much to go backwards. The fight is still far from over.*

While clearly addressing the grim reality of the virus, the Prime Minister also spoke to Canadians about the long-standing challenges COVID-19 had laid bare for far too many Canadians. In this vein, the Prime Minister said:

*This is our chance to build a more resilient Canada; a Canada that is healthier and safer, greener and more competitive. A Canada that is more welcoming and more fair. This is our moment to change the future for the better. We can't afford to miss it, because this window of opportunity won't be open for long.*

In order to demonstrate to Canadians how their government intended to continue to support them through the pandemic, a reset was necessary. Moreover, it was imperative that Parliamentarians vote on that plan. As the Prime Minister said on August 18:

*We are proroguing parliament to bring it back on exactly the same week it was supposed to come back anyway and force a confidence vote. We are taking a moment to recognize that the throne speech we delivered eight months ago had no mention of COVID-19; had no conception of the reality we find ourselves in right now. We need to reset the approach of this government for a recovery to build back better. And those are big important decisions, and we need to present that to Parliament and gain the confidence of Parliament to move forward on this ambitious plan. The prorogation we are doing right now is about gaining or testing the confidence of the House...*

In the weeks that followed, and in the lead-up to the Speech from the Throne, the Prime Minister and the government were hard at work, crafting this plan. At the same time, we continued working with provincial and territorial partners to ensure that as parts of our economy and communities re-opened, they would do so safely.

Central to that were our schools. This is why we stepped up with the \$2 billion Safe Return to Class Fund. It is also why we announced we would continue supporting Canadians who were not able to work due to COVID.

As part of this plan, we announced a transition from the Canada Emergency Response Benefit to a more flexible, accessible EI system, and a plan to support those who are not eligible for EI, through further targeted recovery benefits. These benefits will be in place until summer 2021, giving Canadians the confidence to make the right choices for their health, and better positioning our economy to recover. Legislation to support the introduction of those benefits was introduced in the first week Parliament returned; the same week it would have returned had there not been a prorogation.

During this time, we also continued to step up our efforts to secure vaccine candidates. Now, Canada has one of the largest and most diverse vaccine candidate portfolios in the world. We have now secured access for Canadians to seven leading vaccine candidates: AstraZeneca, Sanofi and GlaxoSmithKline, Johnson & Johnson, Novavax, Pfizer, Moderna, and Medicigo.



While working on the Speech from the Throne, we listened carefully to Canadians and heard what they had to say - from community leaders, labour groups, employers and individuals. We knew this would need to be a plan that responded to the immediate, continuing challenge of COVID-19, while also addressing the need for long-term, systemic reforms to make life fairer and more equitable for all.

We took the time to carefully listen and critically assess our efforts to date. While it was clear these programs and policies prevented Canadians from taking on more personal debt and businesses from closing up shop, we recognized more could be done. Programs could be retooled to better suit evolving needs. For example, we heard from leaders in the business community that the rent relief program could be improved and more accessible if tenants could access support directly.

We knew our plan would need to get us not just through the weeks and months ahead, but even further down the road. This gave us the time we needed to do exactly that: to build a robust, responsive, and comprehensive approach to the challenges we knew were ahead, but also for all that was still unknown.

### **Speech from the Throne:**

On September 23, the Governor General presented the Speech from the Throne. The first pillar of the Speech included measures to continue to battle the pandemic and save lives. The Speech included a commitment to pursue every available technology and every possible option to obtain faster COVID-19 tests for Canadians, and to have them deployed as soon as they are deemed safe for Canadians.

We also recognized that local, provincial and territorial jurisdictions might decide to impose further shutdowns, in the interest of public safety. To help ease the impact, we announced that we would implement additional financial supports specifically for businesses required to temporarily shut down as a result of a local public health decision.

In the few weeks since the Speech from the Throne, our government has delivered on both fronts. We announced that Abbott Rapid Diagnostics ULC will supply up to 7.9 million ID NOW rapid tests, and up to 20.5 million Panbio COVID-19 Antigen rapid tests. On October 21, Canada received the first delivery of 100,000 Abbott ID NOW rapid tests, with more on the way.

And, to help businesses weather the storm, we announced a new Canada Emergency Rent Subsidy; a top-up Canada Emergency Rent Subsidy of 25 per cent for organizations temporarily shut down by a mandatory public health order issued by a qualifying public health authority; the extension of the Canada Emergency Wage Subsidy until June 2021; and an expanded Canada Emergency Business Account.

Job one for our government is to keep Canadians safe and protect Canadian jobs.

That is why we are pursuing every available avenue to procure vaccines, therapeutics, and personal protective equipment, as we help provinces and territories ramp up their testing. We know that economic recovery and public health go hand in hand. Our government will continue to invest as needed. We will do whatever it takes, for as long as it takes, to help Canadians through this crisis.

At the same time, we know this pandemic has exposed fundamental gaps in our social safety net. We can and must change this. We are committed to building a more just society, as we build a stronger and more resilient economy.

That is why the Speech from the Throne outlined a plan to create one million jobs, as we protect those who are most vulnerable. For those who are unable to find work in the coming months, the EI system will become the sole delivery mechanism for employment benefits. That includes Canadians who formerly did not qualify for EI.

The supports for workers, businesses, and Canadians – and the length of time they will be in place – will ensure Canadians can continue to make the right decisions for their health, their communities, and their loved ones. They will also allow governments at the local, provincial, and

territorial levels to make necessary but difficult choices that will save lives. And as we move forward, the security these supports will provide will mean we can recover faster and stronger.

The COVID-19 pandemic has been described as a setback. We must not allow the pandemic to turn back the clock on women's participation in the workforce. Nor will we accept backtracking on the social and political gains women and their allies have fought so hard to secure.

That is why the Speech from the Throne includes a commitment to a long-term, sustained investment in early learning and childcare. Our government will build on previous investments, learn from the model that already exists in Quebec, and work with all provinces and territories to ensure that high-quality care is accessible to all.

For Canadian seniors, who have suffered more than any other group from this pandemic, we committed to Criminal Code amendments to explicitly penalize those who neglect seniors under their care. This is in addition to working with the provinces and territories to set new, national standards for long-term care. This will ensure seniors receive the best support possible, and are able to live longer in their own homes.

For Canadians with disabilities, we will introduce a Disability Inclusion Plan, including a new Canadian Disability Benefit modelled after the Guaranteed Income Supplement for seniors; a robust employment strategy for Canadians with disabilities; and a better process to determine eligibility for government disability programs and benefits.

This pandemic presents an opportunity to rebuild in a stronger, more resilient and inclusive way. We intend to ensure that every Canadian can participate in society to their full potential. That includes by furthering progress on reconciliation, fighting systemic racism, and protecting Canada's two official languages.

Despite our present challenges, we cannot and will not ignore the need for serious, effective and long-term climate action. This will be a cornerstone of our plan to build a cleaner and more

competitive Canada, and will help and create a million jobs across the country. It will include retrofitting homes and buildings; delivering more transit and active transit options; making zero-emission vehicles more affordable, while investing in more charging stations across the country; and moving forward with the Clean Power Fund, including projects such as the Atlantic Loop.

This is the ambitious agenda our government put forward in the Speech from the Throne. It won support from the House of Commons on October 6, 2020. Bill C-4, an extension and expansion of vitally needed economic support measures for Canadians, received unanimous support from all parties in the House of Commons, on September 30, 2020.

### **Moving Forward:**

The second wave of the pandemic is now, regrettably, underway. Multiple provinces have now surpassed the daily new case counts they recorded last spring. In Quebec, daily case numbers have recently exceeded one thousand. A growing number of businesses have had to shut their doors. Ontario has also seen a very worrying increase, with a recent average number of cases in the 800s, and has re-imposed restrictions on gatherings and openings in Toronto, Peel, Ottawa and York Region. New Brunswick has seen outbreaks, including in care homes. We also continue to see a rise in cases in vulnerable communities, with over 1,000 cases linked to First Nation communities, and growing numbers in our long-term care facilities. Beyond new cases, we also see more families losing loved ones due to the resurgence of the virus.

As Canadians, we collectively have the power to bring this second wave of the virus under control. But we must all do our part. Canadians should feel confident that they can rely on their government, just as they can rely on one another.

In ensuring our government continues to have the confidence of the House, we ensured that we can continue to deliver the support Canadians require and expect, both today and in the days, weeks, months and years to come. Beyond the immediate public health response, we required the support of the House of Commons to build a stronger, fairer and more inclusive Canada. This

means a Canada that works for all Canadians, including racialized Canadians and Indigenous Peoples, young people, women, low-income workers and Canadians living with disabilities.

We have sought and obtained the confidence of the House for this bold plan. We will continue working with Parliament to deliver that plan for Canadians.

### **Conclusion:**

In considering the challenges immediately before us, the experience from the first wave behind us, and the hard work still ahead, it was very clear in August that we needed to reset the agenda and obtain the confidence of the House, in order to move forward.

This having been accomplished, Canadians can now feel confident their federal government has a solid plan, and one that has support from the House of Commons.

Our job now is to follow through on our commitments to Canadians; to help keep them healthy, safe and solvent, as we battle the second wave of the virus. Our job is also to build a Canada that is more resilient and equitable for all.

This is the work we look forward to doing with parliamentarians in the 2<sup>nd</sup> session of the 43<sup>rd</sup> Parliament.

**Annex 1:** Prime Minister Justin Trudeau's Remarks on Prorogation – August 18, 2020

**Annex 2:** Speech from the Throne – September 23, 2020

**Annex 1: Prime Minister provides an update on changes to the Ministry, and Parliament announcement (Check against delivery)**

Good afternoon, everyone.

Thank you for joining us.

Yesterday, I accepted Bill Morneau's resignation as Minister of Finance. For almost 5 years, Bill has worked tirelessly on behalf of all Canadians to build a strong, resilient economy that works for everyone.

I want to thank Bill for his outstanding service as Minister of Finance and as the Member of Parliament for Toronto Centre. No matter his next steps, I know he will continue to make important contributions to our country in the years to come.

Earlier today, I was at Rideau Hall to make a few changes to our Cabinet.

Chrystia Freeland is now Canada's Minister of Finance, and will remain Deputy Prime Minister. Dominic LeBlanc is the Minister of Intergovernmental Affairs, and continues to serve as the President of the Queen's Privy Council of Canada.

In the weeks and months to come, their work will be more important than ever.

Right now, the world is at a crossroads. Canada is at a crossroads.

As economies relaunch, we're seeing COVID-19 reappear in places like Australia and New Zealand. It's their winter right now, but ours is still ahead.

We have to be vigilant, because we have worked too hard and sacrificed too much to go backwards.

This fight is still far from over.

Just take the fact that some provinces are seeing new cases after weeks of declining numbers.

For parents especially, this is a big worry in terms of the school year.

I hear that. As a dad, I'm concerned about this too.

Provincial leaders have a responsibility to make sure that our kids are safe in their classrooms.

As federal government, we'll do whatever we can to help, including through our \$19 billion Safe Restart Agreement.

But of course, it's not just school that's on people's minds.

While many Canadians are back at work, the unemployment rate is still in the double digits. It's tough for all Canadians, but we have to remember that it's those who were already struggling who are hardest hit.

Women are facing impossible choices between kids and career.

Racialized Canadians and Indigenous people are confronting extra barriers.

Young people are dealing with unexpected burdens as they worry about their future.

It will take time to make up the economic ground we've lost to this pandemic. It will take hard work to fix these gaps.

This pandemic has taught us some important lessons.

It has highlighted some inequalities that still exist today and the vulnerabilities we have as a society. But Canada is not alone.

Around the world, a consensus is emerging that the time has come to think boldly and rebuild even stronger.

Advanced economies understand that with very low interest rates, borrowing costs are also very low to help stimulate the recovery.

Countries like Canada that have a strong fiscal position must invest to help people get through this crisis.

Our G7 allies – whether it is Germany or the United Kingdom, or our partners like the European Union or South Korea – they all understand that this is a time to act.

And we must seize the opportunity as well.

We have a choice to make.

We can decide to move forward instead of returning to the status quo.

We can choose to embrace bold new solutions to the challenges we face, and refuse to be held back by old ways of thinking.

As much as this pandemic is an unexpected challenge, it is also an unprecedented opportunity.

This is our chance to build a more resilient Canada: a Canada that is healthier and safer, greener and more competitive. A Canada that is more welcoming and more fair.

This is our moment to change the future for the better.

We can't afford to miss it, because this window of opportunity won't be open for long.

We've supported Canadians with a huge emergency response to make sure everyone could cope during this time.

We've carefully – and successfully – reopened many parts of the economy.

And now, we also need to look to the future.

We need long-term solutions that address the shortfalls in healthcare that meant soldiers were caring for seniors.

We need good, middle class jobs that can withstand the challenges of tomorrow.

We need to get through this pandemic in a way that gives everyone a real and fair chance at success, not just the wealthiest 1%.

In other words, we need a long-term plan for recovery.

A plan that addresses, head on, the fundamental gaps this pandemic has unmasked.

In the coming weeks, we will present our plan to rebuild a stronger, more resilient Canada. This will be our roadmap out of the pandemic towards a society that is fairer and more welcoming.

Towards communities that are prepared for future crises. And towards a country where everyone is safer and healthier.

As our first step to make this plan a reality, we will present a Speech from the Throne on Wednesday, September 23rd. This is the same week that the House of Commons was already



scheduled to return. The Throne speech will give us the opportunity to lay out, in detail, our approach going forward. It will also allow Parliament to hold a confidence vote on this new plan. Today, I have asked the Governor General to prorogue Parliament, which must happen before any government can present a Throne speech.

I want to be clear. Whether you're counting on the CERB or EI while you look for work, or on the wage subsidy to keep employees on the job – these programs will not be affected by prorogation.

In fact, starting a new session of Parliament is about creating sustainable ways to support you moving forward. That has always been our number one focus, and it always will be.

Eight months ago, our government introduced a plan to address the issues that matter most to Canadians.

This plan was designed for a different Canada, one before COVID. Since then, our reality has changed, as has our approach.

Parliament must support a new agenda that responds to the new world in which we live.

Canadians expect us to work together at times like this.

We are ready to do our part, to get Parliament's support for our plan for a more resilient Canada.

A plan that allows us to remain vigilant and keep the virus under control.

A plan that invests in Canadians.

A plan for a better future.

We have lots of work ahead of us in the weeks and months to come. I know that the Deputy Prime Minister and Minister LeBlanc – who have taken on new roles today – are the people we need for the job, along with the rest of our outstanding team. I'm looking forward to the challenges the coming months will bring.

Thank you.

**Annex 2: Speech from the Throne to open the Second Session of the Forty-Third Parliament of Canada**

Honourable Senators,

Members of the House of Commons,

Ladies and Gentlemen,

Every day on our shared planet, millions face hardships that test the human spirit. Extreme weather, wildfires, poverty, conflicts, discrimination, and inequalities. Rarely though, has all of humanity faced a single common insidious enemy. An invisible enemy that respects no borders, thrives anywhere, hits anyone.

To overcome a pandemic requires the work and resolve of every order of government, every community, and every one of us.

We don't decide when hardship comes, but here in Canada, we have decided how we wanted to address it. We have adapted in remarkable ways.

We Canadians did our part. We changed our habits, postponed our plans, switched to teleworking or had to completely reinvent our work, all this, while caring for one another.

We owe an immense debt to those who served and still serve on the frontlines, to health care personnel and essential workers, women and men in uniform, volunteers and leaders, everywhere in the country.

There has been a lot of suffering and we all mourn those who have passed.

We trust science to lead the fight until a safe and effective vaccine becomes available. But until then, we must keep our guard up, using the tools that are available to us now – such as testing, treatments and physical distancing measures.

Like a reed in high winds, we might sway but we will not break. Because our roots are firmly in place, our goals clear, and because we have hope – the hope that lifts the soul on dark days and keeps us focused on the future.

Canadians have lived through uncertain times before and have always prevailed because determination, concern for others, courage, and common sense define our nation.

We must bring all those qualities to bear once again and continue to work for the common good, and for a better, safer, and more just society.

This is who we are and what will see us through to brighter days.

## Opening

For over 150 years, Parliamentarians have worked together to chart Canada's path forward.

Your predecessors met when Confederation was only a few months old, setting the course for a young country. They stood united through Canada's toughest days, leading the nation through wars and depression. And as they did, each Parliamentarian was called to meet their times.

Today, Canadians expect you to do the same. They expect you to work together on their behalf and meet this crucial moment.

Less than a year ago, we gathered here for a Throne Speech to open the 43rd Parliament. Since then, our realities have changed. And so must our approach.

This pandemic is the most serious public health crisis Canada has ever faced.

Over 9,000 Canadians have died in six months. For our neighbours in the United States, this figure is over 200,000. Globally, it's nearly a million.

But these aren't just numbers. These are friends and family. Neighbours and colleagues.

The pandemic is the story of parents who have died alone, without loved ones to hold their hand.

It is the story of kids who have gone months without seeing friends.

Of workers who have lost their jobs.

The last six months have laid bare fundamental gaps in our society, and in societies around the world. This pandemic has been hard for everyone. But for those who were already struggling, the burden has been even heavier.

For parents – and especially moms – who are facing impossible choices between kids and career.

For racialized Canadians and Indigenous Peoples who are confronted by systemic barriers.

For young people who are worried about what their future will hold.

For seniors who are isolated, frightened, and most at risk.

And for workers who, while earning the lowest wages in the most precarious sectors, have been on the frontlines of the pandemic.

We must address these challenges of today. But we also cannot forget about the tests of the future.

The world came into this pandemic facing the risks and consequences of climate change. A lesson that COVID-19 has taught us, is that we need to match challenges with decisiveness and determination.

On all of these fronts – health and the economy, equality, and the environment – we must take bold action.

The Government will meet these challenges.

The Government's approach will have four foundations.

The first foundation of this plan is to fight the pandemic and save lives.

The second foundation of the Government's plan is supporting people and businesses through this crisis as long as it lasts, whatever it takes. Effectively dealing with the health crisis is the best thing we can do for the economy. Government action has already helped Canadians stay safe, and buffered the worst economic impacts.

The third foundation is to build back better to create a stronger, more resilient Canada. To do this, we must keep strengthening the middle class and helping people working hard to join it, and continue creating jobs and building long-term competitiveness with clean growth. We must also keep building safer communities for everyone.

The fourth and final foundation of this plan is to stand up for who we are as Canadians. We cannot forget what has made us a country that is welcoming. A country that celebrates two official languages. That achieves progress on gender equality, walks the road of reconciliation, and fights discrimination of every kind.

This is our generation's crossroads.

Do we move Canada forward, or let people be left behind? Do we come out of this stronger, or paper over the cracks that the crisis has exposed?

This is the time to remember who we are as Canadians.

This is the opportunity to contain the global crisis and build back better, together.

Protecting Canadians from COVID-19

The first foundation of the Government's approach is protecting Canadians from COVID-19.

This is priority number one.

It is the job of the federal government to look out for all Canadians and especially our most vulnerable. We need to work together. Beating this virus is a Team Canada effort.

Over the last six months, Canadians have stood united and strong. Their actions embody what has always been the purpose of the federal government: bringing Canadians together to achieve common goals.

Personal protective equipment (PPE) has been shipped across the country. Members of the Canadian Forces were there in long-term care homes. Close to 9 million Canadians were helped with the Canada Emergency Response Benefit (CERB) and over 3.5 million jobs were supported by the wage subsidy.

The Government will continue to have people's backs just like Canadians have each other's backs.

Through the first wave, contact tracing and testing ramped up across the country. The surge this fall further reinforces what we already know – that we must do even more.

The federal government will be there to help the provinces increase their testing capacity. Canadians should not be waiting in line for hours to get a test.

At the same time, the Government is pursuing every technology and every option for faster tests for Canadians from coast to coast to coast. As soon as tests are approved for safe use in Canada, the Government will do everything it can to see them deployed. The Government will also create a federal Testing Assistance Response Team to quickly meet surge testing needs, including in remote and isolated communities.

Local public health authorities are the backbone of our nation's efforts to stop outbreaks before they start. As members of the communities they protect, they know the devastating economic impact a lockdown order can have.

To prevent small clusters from becoming major outbreaks, communities may need to enact short-term closure orders. To make that decision easier for the public health authorities, and to help ease the impact that science- and evidence-based decisions can have on local businesses in the short term, the Government will work to target additional financial support directly to businesses which have to temporarily shut down as a result of a local public health decision.

This will ensure that decisions are made with the health of Canadians as the first priority.

The Government will also continue to work on what communities need more broadly.

The Government has already invested over \$19 billion for a Safe Restart Agreement with provinces and territories, to support everything from the capacity of health care systems to securing PPE.

To address the challenges faced by provinces and territories as they reopen classrooms, the federal government invested \$2 billion in the Safe Return to Class Fund, along with new funding

for First Nations communities. This is money to keep kids – and staff – safe in the classroom, whether that’s by helping schools buy cleaning supplies or upgrade ventilation.

These commitments build on federal investments to support people who are most at risk and those who care for them, including with the federal wage top-up for personal support workers. People on the frontlines who have been looking after seniors do vital work and the Government will continue to have their backs.

At the same time, the Government will continue to support Canadians as they take action to keep each other safe.

Already, people are doing their part by wearing masks. That’s important, and we can build on that commitment. Working with private sector partners, the federal government created the COVID Alert app. Canadians living in Ontario, Newfoundland and Labrador, New Brunswick, and Saskatchewan now have an extra tool to keep themselves and others safe. The Government hopes all the others will sign on so that people in all parts of the country can both do their part and be better protected.

The Government will also continue to work on getting Canadians the PPE they need.

This spring, the Government issued a call, and thousands of Canadian businesses and manufacturers responded. From shop floors to companies big and small, Canada’s dynamic businesses met the challenge as their workers stepped up.

And in less than six months, Canadians are now manufacturing almost all types of PPE. The Government will continue building that domestic capacity, while securing supply chains to keep Canadians safe and create jobs.

Canadians are pulling together, whether that’s with PPE manufacturing, through the COVID Alert app, or by wearing a mask. In the same way, Canadian researchers and scientists are pitching in to the Team Canada effort with their knowledge and expertise.

Vaccine efforts

In the long run, the best way to end this pandemic is with a safe and effective vaccine.

Canada’s vaccine strategy is all about ensuring that Canadians will be able to get a vaccine once it is ready.

There are many types of potential candidates. Canada is exploring the full range of options. The Government has already secured access to vaccine candidates and therapeutics, while investing

in manufacturing here at home. And to get the vaccines out to Canadians once they're ready, the Government has made further investments in our capacity for vaccine distribution.

From the Vaccine Task Force that provides the best advice on vaccine purchasing and roll-out, to the Immunity Task Force looking at how COVID-19 is affecting vulnerable populations, Canada's top scientific minds are guiding the Government every step of the way.

Helping Canadians through the pandemic

The medical and scientific fight against this virus is crucial. And so are the livelihoods of every single Canadian, worker, and family.

So the second foundation of the Government's approach is supporting Canadians through this crisis.

The economic impact of COVID-19 on Canadians has already been worse than the 2008 financial crisis. These consequences will not be short-lived.

This is not the time for austerity. Canada entered this crisis in the best fiscal position of its peers.

And the Government is using that fiscal firepower, on things like the Canada Emergency Response Benefit and the Canada Emergency Wage Subsidy (CEWS), so that Canadians, businesses, and our entire economy have the support needed to weather the storm.

Canadians should not have to choose between health and their job, just like Canadians should not have to take on debt that their government can better shoulder.

Creating jobs

People losing their jobs is perhaps the clearest consequence of the global economic shock that Canadians – like those in other countries – have faced.

The CERB helped people stay healthy at home while being able to keep food on the table.

The CEWS helped people keep their jobs, or be rehired if they had been laid off.

But there is still more to be done.

Unemployment is in the double digits, and underemployment is high.

Women, racialized Canadians, and young people have borne the brunt of job losses.

Canadians need good jobs they can rely on.

To help make that happen, the Government will launch a campaign to create over one million jobs, restoring employment to previous levels. This will be done by using a range of tools, including direct investments in the social sector and infrastructure, immediate training to quickly skill up workers, and incentives for employers to hire and retain workers.

One way the Government will create these jobs is by extending the Canada Emergency Wage Subsidy right through to next summer. The Government will work with businesses and labour to ensure the program meets the needs of the health and economic situation as it evolves.

Another example of how the Government will create jobs is by significantly scaling up the Youth Employment and Skills Strategy, to provide more paid work experiences next year for young Canadians.

Now, more than ever, Canadians must work together – including by eliminating remaining barriers between provinces to full, free internal trade – to get the economy back up and running and Canadians back to work.

#### Supporting workers and their families

With the job losses that Canadians have faced, it became clear early on that many people would need help until they could find work once again. But existing income support systems were not designed to handle this unprecedented situation. That's why the Government moved quickly to create the Canada Emergency Response Benefit as a temporary program to help millions of Canadians get through a very difficult time.

With the economic restart now well underway, CERB recipients should instead be supported by the Employment Insurance system. For people who would not traditionally qualify for EI, the Government will create the transitional Canada Recovery Benefit.

Over the coming months, the EI system will become the sole delivery mechanism for employment benefits, including for Canadians who did not qualify for EI before the pandemic. This pandemic has shown that Canada needs an EI system for the 21st century, including for the self-employed and those in the gig economy.

#### Women in the Economy

Women – and in particular low-income women – have been hit hardest by COVID-19. This crisis has been described as a she-cession.

Many women have bravely served on the frontlines of this crisis, in our communities or by shouldering the burden of unpaid care work at home.

We must not let the legacy of the pandemic be one of rolling back the clock on women's participation in the workforce, nor one of backtracking on the social and political gains women and allies have fought so hard to secure.



The Government will create an Action Plan for Women in the Economy to help more women get back into the workforce and to ensure a feminist, intersectional response to this pandemic and recovery. This Plan will be guided by a task force of experts whose diverse voices will power a whole-of-government approach.

It has been nearly 50 years since the Royal Commission on the Status of Women outlined the necessity of childcare services for women's social and economic equality. We have long understood that Canada cannot succeed if half of the population is held back. Canadians need more accessible, affordable, inclusive, and high quality childcare.

Recognizing the urgency of this challenge, the Government will make a significant, long-term, sustained investment to create a Canada-wide early learning and childcare system.

The Government will build on previous investments, learn from the model that already exists in Quebec, and work with all provinces and territories to ensure that high-quality care is accessible to all.

There is broad consensus from all parts of society, including business and labour leaders, that the time is now.

The Government also remains committed to subsidizing before- and after-school program costs. With the way that this pandemic has affected parents and families, flexible care options for primary school children are more important than ever.

The Government will also accelerate the Women's Entrepreneurship Strategy, which has already helped women across Canada grow their businesses.

#### Supporting businesses

As the Government invests in people, it will continue to support job-creating businesses.

Small businesses are the lifeblood of communities and the backbone of the economy. The Government introduced a range of supports for Canadian businesses, from help with payroll through the Canada Emergency Wage Subsidy to assistance with expenses through interest-free loans.

COVID-19 has caused businesses across the country, both large and small, to rethink their approaches. Entrepreneurs and owners are looking at more digital options, more creative solutions, and more climate-friendly investments.

The Government will help businesses adapt for the future and thrive.

This fall, in addition to extending the wage subsidy, the Government will take further steps to bridge vulnerable businesses to the other side of the pandemic by:

Expanding the Canada Emergency Business Account to help businesses with fixed costs;

Improving the Business Credit Availability Program;

And introducing further support for industries that have been the hardest hit, including travel and tourism, hospitality, and cultural industries like the performing arts.

Fiscal sustainability

This COVID-19 emergency has had huge costs. But Canada would have had a deeper recession and a bigger long-term deficit if the Government had done less.

With interest rates so low, central banks can only do so much to help. There is a global consensus that governments must do more. Government can do so while also locking in the low cost of borrowing for decades to come. This Government will preserve Canada's fiscal advantage and continue to be guided by values of sustainability and prudence.

There are two distinct needs.

The first is to help Canadians in the short term, to do whatever it takes, using whatever fiscal firepower is needed to support people and businesses during the pandemic. The best way to keep the economy strong is to keep Canadians healthy.

The second need is to build back better, with a sustainable approach for future generations. As the Government builds a plan for stimulus and recovery, this must be done responsibly.

In the longer term, the Government will focus on targeted investments to strengthen the middle class, build resiliency, and generate growth. The Government will also identify additional ways to tax extreme wealth inequality, including by concluding work to limit the stock option deduction for wealthy individuals at large, established corporations, and addressing corporate tax avoidance by digital giants.

Web giants are taking Canadians' money while imposing their own priorities. Things must change, and will change. The Government will act to ensure their revenue is shared more fairly with our creators and media, and will also require them to contribute to the creation, production, and distribution of our stories, on screen, in lyrics, in music, and in writing.

This fall, the Government will release an update to Canada's COVID-19 Economic Response Plan. This will outline the Government's economic and fiscal position, provide fiscal projections, and set out new measures to implement this Throne Speech.

This update will make clear that the strength of the middle class, and the wellbeing of all Canadians, remain Canada's key measures of success.

Building back better – a resiliency agenda for the middle class

As we fight for every Canadian and defend everyone's ability to succeed, we also need to focus on the future, and on building back better. This forms the third foundation of the Government's approach.

Around the world, advanced economies are realizing that things should not go back to business as usual. COVID-19 has exposed the vulnerabilities in our societies.

The Government will create a resiliency agenda for the middle class and people working hard to join it.

This will include addressing the gaps in our social systems, investing in health care, and creating jobs. It will also include fighting climate change, and maintaining a commitment to fiscal sustainability and economic growth as the foundation of a strong and vibrant society.

Addressing gaps in our social systems

Central to this is recognizing that one of the greatest tragedies of this pandemic is the lives lost in long-term care homes. Elders deserve to be safe, respected, and live in dignity.

Although long-term care falls under provincial and territorial jurisdiction, the federal government will take any action it can to support seniors while working alongside the provinces and territories.

The Government will work with Parliament on Criminal Code amendments to explicitly penalize those who neglect seniors under their care, putting them in danger.

The Government will also:

Work with the provinces and territories to set new, national standards for long-term care so that seniors get the best support possible;

And take additional action to help people stay in their homes longer.

The Government remains committed to increasing Old Age Security once a senior turns 75, and boosting the Canada Pension Plan survivor's benefit.

The Government will look at further targeted measures for personal support workers, who do an essential service helping the most vulnerable in our communities. Canada must better value their work and their contributions to our society.

COVID-19 has disproportionately affected Canadians with disabilities, and highlighted long-standing challenges. The Government will bring forward a Disability Inclusion Plan, which will have:

A new Canadian Disability Benefit modelled after the Guaranteed Income Supplement for seniors;

A robust employment strategy for Canadians with disabilities;

And a better process to determine eligibility for Government disability programs and benefits.

Over the last six months, it has become clearer than ever why Canadians need a resilient health care system.

The Government will ensure that everyone – including in rural and remote areas – has access to a family doctor or primary care team. COVID-19 has also shown that our system needs to be more flexible and able to reach people at home. The Government will continue to expand capacity to deliver virtual health care.

The Government will also continue to address the opioid epidemic tearing through communities, which is an ongoing and worsening public health crisis. Additionally, the Government will further increase access to mental health resources. All Canadians should have the care they need, when they need it. We will all be stronger for it.

The same goes for access to the medicine that keeps people healthy. Many Canadians who had drug plans through work lost this coverage when they were laid off because of the pandemic. So this is exactly the right moment to ramp up efforts to address that.

The Government remains committed to a national, universal pharmacare program and will accelerate steps to achieve this system including:

Through a rare-disease strategy to help Canadian families save money on high-cost drugs;

Establishing a national formulary to keep drug prices low;

And working with provinces and territories willing to move forward without delay.

In addition to good health infrastructure, Canadians also need strong, safe communities to call home.

The Government has banned assault-style firearms. The Government will also continue implementing firearms policy commitments, including:

Giving municipalities the ability to further restrict or ban handguns;

And strengthening measures to control the flow of illegal guns into Canada.

Women's safety must be the foundation on which all progress is built. The Government will accelerate investments in shelters and transition housing, and continue to advance with a National Action Plan on Gender-Based Violence.

To keep building strong communities, over the next two years the Government will also invest in all types of infrastructure, including public transit, energy efficient retrofits, clean energy, rural broadband, and affordable housing, particularly for Indigenous Peoples and northern communities.

In the last six months, many more people have worked from home, done classes from the kitchen table, shopped online, and accessed government services remotely. So it has become more important than ever that all Canadians have access to the internet.

The Government will accelerate the connectivity timelines and ambitions of the Universal Broadband Fund to ensure that all Canadians, no matter where they live, have access to high-speed internet.

And to further link our communities together, the Government will work with partners to support regional routes for airlines. It is essential that Canadians have access to reliable and affordable regional air services. This is an issue of equity, of jobs, and of economic development. The Government will work to support this.

Strong communities are places where everyone has a safe, affordable home.

No one should be without a place to stay during a pandemic, or for that matter, a Canadian winter.

This week, the Government invested more than \$1 billion for people experiencing homelessness, including for this fall.

In 2017, the Government announced that it would reduce chronic homelessness by 50 percent.

The Government has already helped more than a million people get a safe and affordable place to call home. Given the progress that has been made, and our commitment to do more, the Government is now focused on entirely eliminating chronic homelessness in Canada.

At the same time, the Government will also make substantial investments in housing for Canadians.

The Government will add to the historic National Housing Strategy announced in 2017 by increasing investments to rapid housing in the short term, and partnering with not-for-profits and co-ops in the mid- to long-term. For the middle class, the Government will also move forward

with enhancements to the First-Time Home Buyer Incentive, including in Canada's largest cities, so families can afford to buy their first home.

Housing is something everyone deserves, and it's also a key driver of the economy. Construction projects create jobs, and having a home is critical so people can contribute to their communities. Just like everyone deserves a home, everyone deserves to be able to put nutritious food on the table.

The pandemic has made that harder for Canadians. The Government will continue to work with partners – including directly with First Nations, Inuit, and Métis Nation partners – to address food insecurity in Canada. The Government will also strengthen local food supply chains here in Canada.

The Canadian and migrant workers who produce, harvest, and process our food – from people picking fruit to packing seafood – have done an outstanding job getting good food on people's plates. They deserve the Government's full support and protection.

The Government will also ensure that those in Canada's supply managed sectors receive full and fair compensation for recent trade agreements. Farmers keep our families fed, and we will continue to help them succeed and grow.

A stronger workforce

This pandemic has revealed gaps in health, housing, and food supply. And it has also laid bare inequalities Canadians face in the workforce.

We have an opportunity to not just support Canadians, but grow their potential. Working with the provinces and territories, the Government will make the largest investment in Canadian history in training for workers. This will include by:

Supporting Canadians as they build new skills in growing sectors;

Helping workers receive education and accreditation;

And strengthening workers' futures, by connecting them to employers and good jobs, in order to grow and strengthen the middle class.

From researchers developing vaccines, to entrepreneurs building online stores, this pandemic has reminded us of the power of the knowledge economy, and how vital it is for our future.

Canadians are leading, and they should have government services that keep up.

The Government will make generational investments in updating outdated IT systems to modernize the way that Government serves Canadians, from the elderly to the young, from

people looking for work to those living with a disability. The Government will also work to introduce free, automatic tax filing for simple returns to ensure citizens receive the benefits they need.

Government must remain agile, and ready for what lies ahead.

Taking action on extreme risks from climate change

Climate action will be a cornerstone of our plan to support and create a million jobs across the country.

This is where the world is going. Global consumers and investors are demanding and rewarding climate action.

Canadians have the determination and ingenuity to rise to this challenge and global market opportunity.

We can create good jobs today and a globally competitive economy not just next year, but in 2030, 2040, and beyond.

Canadians also know climate change threatens our health, way of life, and planet. They want climate action now, and that is what the Government will continue to deliver.

The Government will immediately bring forward a plan to exceed Canada's 2030 climate goal.

The Government will also legislate Canada's goal of net-zero emissions by 2050.

As part of its plan, the Government will:

Create thousands of jobs retrofitting homes and buildings, cutting energy costs for Canadian families and businesses;

Invest in reducing the impact of climate-related disasters, like floods and wildfires, to make communities safer and more resilient;

Help deliver more transit and active transit options;

And make zero-emissions vehicles more affordable while investing in more charging stations across the country.

A good example of adapting to a carbon-neutral future is building zero-emissions vehicles and batteries. Canada has the resources – from nickel to copper – needed for these clean technologies. This – combined with Canadian expertise – is Canada's competitive edge.

The Government will launch a new fund to attract investments in making zero-emissions products and cut the corporate tax rate in half for these companies to create jobs and make

Canada a world leader in clean technology. The Government will ensure Canada is the most competitive jurisdiction in the world for clean technology companies.

Additionally, the Government will:

Transform how we power our economy and communities by moving forward with the Clean Power Fund, including with projects like the Atlantic Loop that will connect surplus clean power to regions transitioning away from coal;

And support investments in renewable energy and next-generation clean energy and technology solutions.

Canada cannot reach net zero without the know-how of the energy sector, and the innovative ideas of all Canadians, including people in places like British Columbia, Alberta, Saskatchewan, and Newfoundland and Labrador.

The Government will:

Support manufacturing, natural resource, and energy sectors as they work to transform to meet a net zero future, creating good-paying and long-lasting jobs;

And recognize farmers, foresters, and ranchers as key partners in the fight against climate change, supporting their efforts to reduce emissions and build resilience.

The Government will continue its policy of putting a price on pollution, while putting that money back in the pockets of Canadians. It cannot be free to pollute.

This pandemic has reminded Canadians of the importance of nature. The Government will work with municipalities as part of a new commitment to expand urban parks, so that everyone has access to green space. This will be done while protecting a quarter of Canada's land and a quarter of Canada's oceans in five years, and using nature-based solutions to fight climate change, including by planting two billion trees.

The Government will ban harmful single-use plastics next year and ensure more plastic is recycled. And the Government will also modernize the Canadian Environmental Protection Act. When the Prairie Farm Rehabilitation Administration was closed by a previous government, Canada lost an important tool to manage its waters. The Government will create a new Canada Water Agency to keep our water safe, clean, and well-managed. The Government will also identify opportunities to build more resilient water and irrigation infrastructure.



At the same time, the Government will look at continuing to grow Canada's ocean economy to create opportunities for fishers and coastal communities, while advancing reconciliation and conservation objectives. Investing in the Blue Economy will help Canada prosper.

The Canada we're fighting for

This is a fight for Canadians today and Canada tomorrow. So we must never forget the values that make us who we are. The fourth and final foundation of the Government's approach is defending Canadian values and ensuring they are lived experiences for everyone.

Canada is a place where we take care of each other. This has helped Canada weather the pandemic better than many other countries.

Canada must continue to stand up for the values that define this country, whether that's welcoming newcomers, celebrating with pride the contributions of LGBTQ2 communities, or embracing two official languages. There is work still to be done, including on the road of reconciliation, and in addressing systemic racism.

Reconciliation

Throughout the pandemic, the Government has made it a priority to support Indigenous communities, which has helped contain the spread of COVID-19 and kept people safe. That is something the Government will continue to do.

The Government will walk the shared path of reconciliation with Indigenous Peoples, and remain focused on implementing the commitments made in 2019. However, the pandemic has shown that we need to keep moving forward even faster on a number of fronts including by:

Expediting work to co-develop distinctions-based Indigenous health legislation with First Nations, Inuit, and the Métis Nation, and a distinctions-based mental health and wellness strategy;

Accelerating work on the National Action Plan in response to the National Inquiry into Missing and Murdered Indigenous Women and Girls' Calls for Justice, as well as implementation of the Truth and Reconciliation Commission's Calls to Action;

And continuing to close the infrastructure gap in Indigenous communities, working on a distinctions-basis with First Nations, Inuit, and the Métis Nation to accelerate the government's 10-year commitment.

The Government will also:

Make additional resiliency investments to meet the clean drinking water commitment in First Nations communities;

And support additional capacity-building for First Nations, Inuit, and the Métis Nation.

The Government will move forward to introduce legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples before the end of this year.

Addressing systemic racism

For too many Canadians, systemic racism is a lived reality. We know that racism did not take a pause during the pandemic. On the contrary, COVID-19 has hit racialized Canadians especially hard.

Many people – especially Indigenous people, and Black and racialized Canadians – have raised their voices and stood up to demand change.

They are telling us we must do more. The Government agrees.

The Government pledged to address systemic racism, and committed to do so in a way informed by the lived experiences of racialized communities and Indigenous Peoples.

The Government has invested in economic empowerment through the Black Entrepreneurship Program, while working to close the gaps in services for Indigenous communities. Important steps were taken with the release of Canada's Anti-Racism Strategy for 2019-2022, the creation of an anti-racism secretariat, and the appointment of the first-ever Minister focused specifically on diversity and inclusion. This is all good, but much more needs to be done for permanent, transformative change to take shape.

The Government will redouble its efforts by:

Taking action on online hate;

Going further on economic empowerment for specific communities, and increasing diversity on procurement;

Building a whole-of-federal-government approach around better collection of disaggregated data;

Implementing an action plan to increase representation in hiring and appointments, and leadership development within the Public Service;

And taking new steps to support the artistic and economic contributions of Black Canadian culture and heritage.

Progress must also be made throughout the policing and justice systems. All Canadians must have the confidence that the justice system is there to protect them, not to harm them. Black Canadians and Indigenous Peoples are overrepresented in the criminal justice system. That has to change.

The Government will take steps to ensure that the strong hand of criminal justice is used where it is needed to keep people safe, but not where it would be discriminatory or counterproductive.

The Government will:

Introduce legislation and make investments that take action to address the systemic inequities in all phases of the criminal justice system, from diversion to sentencing, from rehabilitation to records;

Move forward on enhanced civilian oversight of our law enforcement agencies, including the RCMP;

Modernize training for police and law enforcement, including addressing standards around the use of force;

Move forward on RCMP reforms, with a shift toward community-led policing;

And accelerate work to co-develop a legislative framework for First Nations policing as an essential service.

Protecting two official languages

Our two official languages are woven into the fabric of our country.

The defence of the rights of Francophones outside Quebec, and the defence of the rights of the Anglophone minority within Quebec, is a priority for the Government.

The Government of Canada must also recognize that the situation of French is unique. There are almost 8 million Francophones in Canada within a region of over 360 million inhabitants who are almost exclusively Anglophone. The Government therefore has the responsibility to protect and promote French not only outside of Quebec, but also within Quebec.

In this vein, 51 years after the passage of the Official Languages Act, the Government is committed to strengthening this legislation among other things, taking into consideration the unique reality of French.

A welcoming Canada

Immigration remains a driver of Canada's economic growth.

With other countries rejecting global talent that could help their economy, Canada has an opportunity as we recover to become the world's top destination for talent, capital, and jobs. When people choose Canada, help build Canada, and make sacrifices in support of Canada, we should make it easier for them to formally become Canadian.

Earlier this year, the Government announced measures to grant permanent residency to people who, although not Canadian citizens, had cared for the most vulnerable in long-term care homes and other medical facilities.

The Government will continue to bring in newcomers and support family reunification. We know that there is an economic and human advantage to having families together.

As part of both the short-term economic recovery and a long-term plan for growth, the Government will leverage the advantage we have on immigration to keep Canada competitive on the world stage.

#### Canada in the World

We must take action on all of these priorities at home. But we must also address the world in which we live.

COVID-19 has accelerated the existing trends toward a more fragmented global order. It remains in Canada's interest to create and maintain bilateral and multilateral relationships to advance peace and economic prosperity.

The Government will invest more in international development while supporting developing countries on their economic recoveries and resilience. Canada will also support work to ensure that people around the world have access to a vaccine. We cannot eliminate this pandemic in Canada unless we end it everywhere.

The Government will also continue to stand up for human rights and the rule of law. It is unacceptable that any citizen be arbitrarily detained. Michael Kovrig and Michael Spavor must be brought home. This is something for which all Canadians stand united.

The Government will continue to fight for free trade, including by leading the Ottawa Group to reform the World Trade Organization.

Our likeminded allies and partners are investing to make sure their societies emerge stronger.

This Government's plan does that as well.

#### Conclusion

Taken together, this is an ambitious plan for an unprecedented reality. The course of events will determine what needs to be done when.

But throughout, protecting and supporting Canadians will stay the top priority.

And the core values that have driven the Government since day one remain the same.

In 2015, Canadians asked their government to deliver real change on everything from middle class jobs to climate change. In 2019, the people chose a Parliament that would keep moving forward on these shared goals. And in 2020, Canadians expect nothing less.

It is no small task to build a stronger, more resilient country.

It will take hard work. It will require a commitment to finding common ground.

Parliamentarians, Canadians have placed a trust in you to guide this country forward. They have placed their faith in you to work together to meet whatever challenges we face.

Remember that we are here today because of the generations of Canadians who came before us.

We are here because of the women and men – our parents, grandparents, and great-grandparents – who had the courage to reach for a better future.

Today, it is our turn. Our moment to build a stronger and more resilient Canada for everyone.

Members of the House of Commons, you will be asked to appropriate the funds to carry out the services and expenditures authorized by Parliament.

Members of the Senate and Members of the House of Commons, may you be equal to the profound trust bestowed on you by Canadians, and may Divine Providence guide you in all your duties.



## APPENDIX D - LIST OF WITNESSES

The following table lists the witnesses who appeared before the committee at its meetings related to this report. Transcripts of all public meetings related to this report are available on the committee's [webpage for this study](#).

Organizations and Individuals	Date	Meeting
<p><b>As an individual</b></p> <p>Kathy Brock, Professor School of Policy Studies, Queen's University</p> <p>Philippe Lagassé, Associate Professor International Affairs, Carleton University</p> <p>Barbara J. Messamore, Professor History Department, University of the Fraser Valley</p> <p>Daniel Turp, Associate Professor Université de Montréal</p>	2020/12/10	17
<p><b>As an individual</b></p> <p>Ian Brodie, Associate Professor Political Science, University of Calgary</p> <p>Hugo Cyr, Professor Faculty of Political Science and Law, Department of Legal Sciences, Université du Québec à Montréal (UQAM)</p> <p>Lori Turnbull, Associate Professor Director, School of Public Administration, Dalhousie University</p>	2021/01/28	20
<p><b>Office of the Leader of the Government in the House of Commons</b></p> <p>Hon. Pablo Rodriguez, P.C., M.P., Leader of the Government in the House of Commons</p>	2021/02/16	23
<p><b>Privy Council Office</b></p> <p>Donald Booth, Director of Strategic Policy and Canadian Secretary to the Queen Machinery of Government</p> <p>Allen Sutherland, Assistant Secretary to the Cabinet Office of the Deputy Secretary to Cabinet (Governance)</p>	2021/02/16	23

Organizations and Individuals	Date	Meeting
<p><b>As an individual</b></p> <p>Duane Bratt, Professor Political Science, Faculty of Arts, Mount Royal University</p> <p>Patrick Taillon, Professor, Constitutional Law Faculty of Law, Université Laval</p>	2021/02/18	24



## APPENDIX E - LIST OF BRIEFS

---

The following is an alphabetical list of organizations and individuals who submitted briefs to the committee related to this report. For more information, please consult the committee's [webpage for this study](#).

**Brock, Kathy**

**Cyr, Hugo**



## REQUEST FOR GOVERNMENT RESPONSE

Pursuant to Standing Order 109, the committee requests that the government table a comprehensive response to this Report.

A copy of the relevant *Minutes of Proceedings* ([Meetings Nos. 17, 20, 23, 24 and 27 to 31](#)) is tabled.

Respectfully submitted,

Ruby Sahota  
Chair



## Procedure and House Affairs Committee – Liberal Party of Canada Dissenting Report on the Reasons for Prorogation

### *Demonstrated Commitment to Transparency and Accountability*

Our Government has demonstrated a clear commitment to transparency and accountability regarding prorogation, and it has held itself to a higher standard than any Government in Canada's Parliamentary history. Standing Order 32(7) was a change to the rules that govern the House of Commons that was suggested and made during the 42<sup>nd</sup> Parliament under the leadership of Prime Minister Justin Trudeau.

This change to the Standing Orders requires all future Governments to table a report giving its reasons for prorogation within 20 sitting days after prorogation.

Our Government complied with Standing Order 32(7) by tabling a detailed report providing a rationale for prorogation in October 2020.<sup>1</sup>

The report was then referred to the Standing Committee on Procedure and House (PROC). And although no study of the report was required, Members of Parliament from the governing party supported opposition members' desire to conduct a study into the report.

The PROC Committee heard from a variety of witnesses that spoke to prorogation from a historical and procedural perspective, as well as the Government House Leader and the Assistant Secretary to the Cabinet.

### *A 'Significant Event': An Unprecedented Public Health Crisis*

From the testimony given by witnesses who appeared before PROC, a list of the many legitimate reasons provided for prorogations in the past was developed by parliamentary analysts and included in the report.

One of those reasons came from the paraphrased testimony (below) of Phillippe Lagasse, Associate Professor, University of Ottawa:

*Parliament may have been in a parliamentary session for an extended period of time and the government wishes to start afresh; **a significant event could compel the government to pursue a new slate of legislative measures**; or a government may wish to put forth a new parliamentary agenda...*

There can be no question that a global pandemic qualifies as both a significant event and a legitimate foundation for the Prime Minister to provide advice to prorogue to the Governor General.

---

<sup>1</sup> Government of Canada, "Report to Parliament: August 2020 Prorogation – COVID-19 pandemic" October 2020.

The COVID-19 pandemic has had massive, uneven, far-reaching and wide-ranging health, economic and social impacts on Canadians.

In order for the Government of Canada to respond effectively to Canadians' changing needs during the COVID-19 pandemic, it made sense for the Government to take time and listen to Canadians between the first and second waves of the pandemic.

If proroguing Parliament during the greatest public health crisis of our age with economic impacts ten times greater than that of the 2008-2009<sup>2</sup> economic crisis is not a legitimate reason to prorogue, then no reason could ever be deemed adequate.

A review of historical parliamentary prorogations reveals a notable example over 100 years ago during the 13<sup>th</sup> Parliament and the 1918 influenza. Canada's Parliament was in fact prorogued from May 24<sup>th</sup>, 1918 until February 2<sup>nd</sup>, 1919, a period of over nine months.<sup>3</sup>

In 2020-2021, COVID-19 has had a significant and sustained impact on Canadians, their health, jobs, and livelihoods.

In September 2020, the Chief Statistician of Canada released a report entitled *The Social and Economic Impacts of COVID-19: A Six-month Update* that provided an in-depth analysis of the significant impacts that COVID-19 had had on all aspects of Canadian life.

A few of the key findings from this report follow:

- The health impacts of COVID-19 go beyond the effects of the virus;
- The economic impacts of COVID-19 have been uneven across population groups;
- The impact of COVID-19 on economic activity have been unprecedented and highly uneven across sectors;
- The social impacts have also been uneven – greater impacts on those population groups with pre-existing vulnerabilities;
- Managing the pandemic moving forward – Canadians are willing to take precautions to slow the spread of COVID-19, but differences across groups are apparent.<sup>4</sup>

It was important that the Government review evidence and listen to Canadians to ensure a timely, effective, relevant response, but most importantly to prepare for a second wave of the pandemic.

Throughout the pandemic, our Government has listened to the science, evidence, and Canadians to put in place necessary public health and economic measures to protect the health and safety of Canadians, their jobs, and their livelihoods.

---

<sup>2</sup> "If we call '08 and '09, the 'Great Recession', this is 10 times worse at any level. How is this just a plain little recession?" Economist David Rosenberg said. George-Cosh, David "COVID-19 to spur depression 10 times worse than 2008: Rosenberg" Bloomberg News Online, April 27 2020.

<sup>3</sup> Canadian Parliamentary Review, "Canadian Parliaments and the Influenza 1918-19" Article 11/13 Vol. 43 No. 4 (Winter).

<sup>4</sup> Statistics Canada, "The Social and Economic Impacts of COVID-19: A Six-month Update" September 2020.

### *Re-evaluating Priorities and Resetting the Legislative Agenda*

The need to re-evaluate the Government's priorities and reset the legislative agenda was clearly based on a global pandemic that was not only affecting Canada, but also countries around the world.

While the Government had been given a mandate from Canadians in 2019, it was important for the Government to go back to Canadians and listen to what their needs were following the first wave of the COVID-19 pandemic.

Prorogation was clearly a tool to give the Government an opportunity to consult, re-evaluate and reset its priorities.

In fact, the consultation process during prorogation included caucus consultations, community-based consultations, departmental consultations with key stakeholders, inter-departmental consultations, cross-party consultations, and inter-governmental consultations.

This extensive consultation process, coupled with data gathering, evidence and analysis, was combined to ensure that the Government's ongoing COVID-19 response continued to reflect the needs of Canadians.

The Government listened to and delivered for Canadians.

According to CTV, "the throne speech focused heavily on the reality of a resurging COVID-19 spread. It's stated plainly in the speech that it is the government's top priority."<sup>5</sup>

The COVID-19 response was the Government's primary focus and is evident to anyone reading or listening to the Speech from the Throne. The entire speech is organized around four central themes which include: 1) Protecting Canadians from COVID-19, 2) Helping Canadians through the Pandemic, 3) Building Back Better: A Resiliency Agenda for the Middle Class, and 4) The Canada We're Fighting For.

There are many priorities in the 2020 Throne Speech that did not appear in the 2019 Throne Speech.

A summary of the unique aspects of the 2020 Throne Speech are found below under each theme:

- **Protecting Canadians from COVID-19**
  - Expanding testing and tracing
  - Targeted financial supports for businesses (esp. hardest hit industries)
  - \$19 Billion Safe Restart Agreement
  - \$2 Billion Safe Return to Class Fund
  - Expanding COVID Alert Application

---

<sup>5</sup> Aiello, Rachel, "Feds promise COVID-19 aid to continue, national childcare in the throne speech" CTV News Online, September 13 2020.

- Procuring vaccines and building capacity for distribution
- **Helping Canadians through the Pandemic**
  - Launch campaign to create 1 million jobs and restore employment to pre-pandemic levels
    - Extend the Canada Emergency Wage Subsidy
    - Scaling up Youth Employment and Skills Strategy
    - Eliminating Internal Trade Barriers
  - Launching the Canada Recovery Benefit and transitioning workers from CERB to the EI system – covering gig and self-employed workers (i.e. a 21<sup>st</sup> century EI system.)
  - Launch an Action Plan for Women in the Economy to deal with the impacts of COVID-19 on women’s economic participation
  - Introduce a Canada-wide Early Learning and Child Care System – covering before and after school costs
  - Accelerate the Women’s Entrepreneurship Strategy
  - Expand and improve supports for businesses
    - Expand the Canada Emergency Business Account
    - Improve the Business Credit Availability Program
    - Introduce further support for the hardest hit sectors such as travel and tourism, hospitality, and cultural industries
  - Fiscal Sustainability
    - Helping Canadians in the short-term, doing whatever it takes for as long as it takes
    - Long-term focus on targeted investments to help the middle class, build resiliency and generate growth
    - Taxing extreme wealth inequality
    - Addressing corporate tax avoidance by digital giants
- **Build Back Better: A Resiliency Agenda for the Middle Class**
  - Addressing Gaps in our Social Systems
    - Strengthening Long-term Care across Canada
      - Developing National Standards
      - Taking additional actions to help people stay in their homes longer
    - Make amendments to the Criminal Code to penalize those who neglect seniors under their care
    - Further targeted measures to support personal support workers
    - New Canadian Disability Benefit modeled under the GIS
    - Expanding capacity to deliver virtual healthcare
    - Increase mental health resources
  - A Stronger Workforce
    - Making the largest investment in Canadian history in training for workers
    - Free automatic tax filing for simple returns
  - Taking Action on Extreme Risks from Climate Change



- Plan to exceed Canada’s 2030 climate goal
  - Launch a new fund to attract investment in making zero-emissions products and cut the corporate tax rate in half for these companies to create jobs and make Canada a world leader in clean technology
  - Moving forward with a Clean Power Fund
- **The Canada We’re Fighting For**
  - Addressing Systemic Racism
    - Taking action on online hate
    - Going further on economic empowerment for specific communities and increasing diversity on procurement
    - Building a whole-of-federal-government approach around better collection of disaggregated data
    - Implementing an action plan to increase representation in hiring and appointments, and leadership development within the Public Service
    - Taking steps to support the artistic and economic contributions of Black Canadian culture and heritage
    - Modernize training for police and law enforcement, including addressing standards around the use of force
    - Introduce legislation and make investments that take action to address the systemic inequities in all phases of the criminal justice system, from diversion to sentencing, from rehabilitation to records
  - Protecting Two Official Languages
    - Strengthening the Official Languages Act
  - A Welcoming Canada
    - Continue to bring in newcomers and support family reunification

Shortly after the new Throne Speech was delivered by the Governor General of Canada, opposition parties were given the opportunity to vote in the House of Commons. It was a Confidence Vote.

The result of the vote showed that the Government maintained the confidence of the House of Commons, albeit under a fresh mandate with many unique priorities set out in the new Throne Speech.

#### *Conventional Use of a Routine Parliamentary Tool*

Throughout the testimony given by witnesses at the PROC Committee, prorogation was often referred to as a ‘routine procedure’ to end a parliamentary session.<sup>6</sup>

In fact, the Annex of this report shows the long history of parliamentary prorogations in Canada.

---

<sup>6</sup> “The Committee heard that, viewed from a historical perspective, prorogations had seldom attracted much attention and the term prorogation was not part of the general public’s vocabulary. Instead, prorogations were understood as a routine procedure to end a parliamentary session.” House of Commons, Standing Committee on Procedure and House Affairs, Evidence, 2<sup>nd</sup> Session, 43<sup>rd</sup> Parliament, Meeting 17, 10 December 2020, 1225 (Barbara J. Messamore, Professor, University of the Fraser Valley)

Since winning the 2015 election, our Government, under Prime Minister Trudeau’s leadership, has enjoyed one of the longest periods without a prorogation in Canadian history: namely, once in six years.

In stark contrast, the historical average is three prorogations per Parliament.

Moreover, the August 2020 prorogation was not unusually long. The average prorogation is approximately 40 days and the prorogation during the COVID-19 global pandemic was only 36 days.

Furthermore, the timing of prorogation minimized the impact on the parliamentary calendar, as Parliament was already in summer recess; and when the new calendar is compared with the original parliamentary calendar, only one sitting day was lost.

It is important to note that after prorogation most committees adopted motions and continued their work. The only work that Standing Committees did not continue were orders of business that the opposition parties did not want to continue.

A majority of the witnesses that testified at PROC clearly said that there was “no abuse” of power. On the other hand, former Conservative Prime Minister Stephen Harper prorogued four times during his nine years in power.

In fact, so controversial were the prorogations under Stephen Harper that journalist Aaron Wherry wrote in *Maclean’s Magazine* in August 2013, “That prorogation is now a rather fraught exercise is almost entirely the result of the actions of Mr. Harper ...Having used it to avoid a confidence vote in 2008 and having scuttled a committee investigation of the treatment of Afghan detainees when he asked the Governor General to prorogue Parliament in 2009, Mr. Harper made prorogation a focus of debate and suspicion.”<sup>7</sup>

#### *Timing and Effect of Prorogation*

The timing of the prorogation corresponded to a reduced number of COVID-19 cases in Canada following the spring 2020 wave.

Yet European countries were already showing early signs of a second wave.

In August 2020, Canadians were concerned about a second wave of COVID-19, preventing cases and deaths in long-term care, and the health and safety of their children as the September school term loomed.

We cannot forget that the first wave of COVID-19 was marked by the tragedy in long-term care (LTC). The number of LTC homes in Canada that had a COVID-19 outbreak totalled almost 1200.

---

<sup>7</sup> Wherry, Aaron, “Should you be upset that Stephen Harper is proroguing parliament?” *Maclean’s Magazine* Online, August 20 2013.

There were over 21,000 resident cases and over 7000 deaths, with these deaths accounting for almost 80 per cent of all deaths in the first wave.

Moreover, on September 8th, hundreds of thousands of children and teenagers across Canada would re-enter classrooms for the first time in six months.

On September 23rd, the Governor General delivered the Speech from the Throne and the Prime Minister said the second wave of COVID-19 was underway in Canada.

The reality is our Government prorogued in August 2020 in order to prepare for a second wave of COVID-19, to protect the health and safety of Canadians, and to protect their jobs and livelihoods.

During Prorogation, our Government announced \$2 Billion to help provinces and territories to support a safe return to schools for our children.

The Throne Speech, Fall Economic Statement and Budget 2021 addressed the crisis in long-term care with a total investment of \$4 Billion.

It is also important to note that the vast majority of Standing Committees reintroduced orders of business from the first session with one sweeping motion after prorogation allowing them to pick up where they left off.

#### *Exoneration of the Prime Minister from a Conflict of Interest*

Studies on the topics of the Canada Student Service Grant (CSSG) and WE Charity continued after prorogation at the Finance and Ethics Committees.

Most importantly, there was a thorough and independent investigation conducted by the Office of the Conflict of Interest and Ethics Commissioner.

The Prime Minister was found **not guilty** of any actual or potential conflict of interest related to WE Charity or the administration of the CSSG.

Section 7 of the *Conflict of Interest Act* prohibits public office holders from giving preferential treatment to a person or organization. The Commissioner found that, “The evidence also shows that Mr. Trudeau had no involvement in ESDC’s recommendation that WE administer the CSSG. I am satisfied that Mr. Trudeau did not give preferential treatment to WE.”<sup>8</sup>

This finding is clear: the Prime Minister did not give any preferential treatment to WE Charity. Under subsection 6(1) of the *Conflict of Interest Act* public office holders are prohibited from making or participating in the making of a decision that would place them in a conflict of interest. Regarding this section, the Commissioner found that, “I am satisfied that there was no

---

<sup>8</sup> Trudeau III Report, Office of the Conflict of Interest and Ethics Commissioner, Parliament of Canada, Ottawa, 2021, Pg 2.

opportunity to further Mr. Trudeau's own interests or those of his relatives from WE's role as administrator of the CSSG or from its Social Entrepreneurship proposal."<sup>9</sup>

After a full investigation, the ruling is clear: the Prime Minister had 'no opportunity' to further his or his family's private interests.

Furthermore, the Commissioner also found that, "...there is no evidence of impropriety in relation to Mr. Trudeau's decision making in relation to WE's Social Entrepreneurship proposal or WE's administration of the CSSG."

Lastly, under section 21 of the *Conflict of Interest Act*, public office holders are required to recuse themselves from any discussion, decision, debate or vote on any matter in respect of which they would be in a conflict of interest.

The Commissioner found, "Although Mr. Trudeau has acknowledged publicly that he should have recused himself because of the appearance of a conflict of interest, there is no requirement to do so under the Act in such circumstances."<sup>10</sup>

In other words, recusal from decision making is only required when there is a real or a potential conflict of interest, and neither of those were consistent with the Commissioner's findings. In fact, the appearance of a conflict of interest does not constitute a real or even a potential conflict of interest. This means that the Prime Minister apologized even though he did not violate the *Conflict of Interest Act*.

The main conclusion is summarized in the Executive Summary as follows: "I therefore found that Mr. Trudeau did not contravene subsection 6(1), section 7 or section 21 of the Act."<sup>11</sup>

Despite the complete exoneration of the Prime Minister after a full investigation into this matter, the opposition parties in all proceedings at PROC and within the House of Commons have pushed a narrative that falsely claims that prorogation was used for tactical or political reasons. This blatant disregard for the facts and evidence demonstrates how opposition parties have only one motive which is to push the narrative which is politically advantageous to them at all costs.

### *Conclusion*

All Canadians understand that there is no better reason for prorogation than a once-in-a-century global pandemic.

Today over 1.4 million Canadians have contracted COVID-19 and 26,000 Canadians have died. Many more people have experienced the loss of a relative or loved one, and everyone knows the feeling of having their lives turned upside down by the public health emergency.

---

<sup>9</sup> Trudeau III Report, Pg 3.

<sup>10</sup> Trudeau III Report, Pg 3.

<sup>11</sup> Trudeau III Report, Pg 3.

At a time when lives and livelihoods are at stake, people have made massive sacrifices in every aspect of their daily lives to help fight the pandemic and keep each other safe.

Canadians understand that their the Federal Government needed to take some time to reset its agenda and ensure that they put Canadians' needs first.

Responsible government is about being responsive to the changing needs of a population which may be challenging at the best of times, let alone in the midst of a global pandemic with the situation evolving daily.

If a global pandemic is not a good enough reason to prorogue parliament, then what is?

Finally, there was no public outcry, and no one was marching in the streets over our Government's use of prorogation, unlike in Stephen Harper's era.

Our Government used prorogation to re-evaluate and reset the agenda, and to set priorities to better meet the needs of Canadians.



## SUPPLEMENTARY OPINIONS OF THE OFFICIAL OPPOSITION

On August 18, 2020, Prime Minister Justin Trudeau pulled the parliamentary fire alarm.

His Liberal government had quickly become engulfed in a scandal carrying the putrid scent of corruption, and it only threatened to get worse.

Four committees of the House of Commons had started investigations of the Liberal government's decision to enter into a \$543-million contribution agreement with their ideological fellow travellers at WE Charity to deliver the Canada Student Service Grant,<sup>1</sup> a pandemic assistance program for young Canadians which, on the basis of the program design alone, raised a lot of expert eyebrows.

Thousands of heavily-redacted documents had been provided to the Finance Committee, for vetting by the Law Clerk and Parliamentary Counsel, just over a week earlier. Their circulation to Committee members was imminent. These records would prompt more questions than they would answer.

The Minister of Diversity and Inclusion and Youth, Bardish Chagger, had made two utterly unsatisfactory appearances before the Finance Committee and the Ethics Committee where, through hours of questioning, she dodged and ducked every question which might have led to facts and genuine answers being given. Ms. Chagger's summer performances led the Ethics Committee subsequently to conclude that she had "failed in her obligation to be accurate with a committee".<sup>2</sup>

The night before, the Minister of Finance, Bill Morneau, announced his immediate resignation from the Cabinet—and his exit from public life—in a hastily organized, mid-evening press conference. Mr. Morneau's role in the WE Charity scandal was growing by the week as new revelations kept coming to light. After more than a week of media leaks from within the Government that Mr. Morneau's political career was toast,<sup>3</sup> he was, lo and behold, to be an eleventh-hour Canadian candidate to become Secretary-General of the Organisation for Economic Co-operation and Development (OECD).<sup>4</sup>

---

<sup>1</sup> In July and August 2020, the Standing Committee on Finance, the Standing Committee on Government Operations and Estimates, the Standing Committee on Access to Information, Privacy and Ethics, and the Standing Committee on Official Languages had, respectively, agreed to start investigations focused on, or touching upon, the Canada Student Service Grant.

<sup>2</sup> Standing Committee on Access to Information, Privacy and Ethics, "Questions of Conflict of Interest and Lobbying in relation to Pandemic Spending" (43rd Parl., Second Sess., Second Report (June 2021)), p. 89. This prompted a question of privilege in the House concerning Ms. Chagger's misleading and prevaricating evidence given to committees: *Debates*, June 10, 2021, pp. 8203-8212, 8241-8246. As of the time of writing, the Speaker's decision was reserved.

<sup>3</sup> See, for example, *Whitehorse Daily Star*, "Morneau's ice may be thinner than a dime", August 5, 2020, p. 8; *The Globe and Mail*, "Morneau's job in jeopardy, sources say", August 11, 2020, p. A1; National Observer, "Trudeau denies Bill Morneau to be fired as finance minister", August 12, 2020 (online); *National Post*, "Carney's spectre hangs over Morneau", August 13, 2020, p. FP1; *Toronto Sun*, "Pass the gravy, Morneau's cooked", August 13, 2020, p. A14; CBC News, "Trudeau, Morneau clash over green plans, soaring deficit", August 16, 2020 (online).

<sup>4</sup> Mr. Morneau would later abandon his bid on January 26, but not before Canadian taxpayers spent many thousands of dollars and seconded almost 20 public servants to the campaign: Canadian Press, "Former Liberal finance minister Bill Morneau drops out of OECD campaign", January 26, 2021 (online); *Montreal Gazette*, "Feds spent nearly \$11K on Morneau's failed bid for OECD job", March 25, 2021, p. NP4.

Meanwhile, Speakers' Spotlight, the talent agency which represents members of the Prime Minister's family, was due to deposit with the Ethics Committee, in the following 24 hours, information on the speaking fees and expenses paid to, or on behalf of, the Trudeau family during the Prime Minister's time as a Member of the House.

For the Liberals, something needed to change—and quickly—to avoid this political disaster turning into a calamity.

It is little wonder that the Prime Minister sought to shut down Parliament—to cancel committee investigations, to block the disclosure of information revealing how much has been, and who has, paid to access the Trudeau family name, and to attempt to turn the political channel through a splashy Speech from the Throne (complete with an American-style evening address to the nation by the Prime Minister)—and reached for the parliamentary equivalent of the fire alarm, prorogation.

Despite all the positive Liberal spin the Government chose to put in its report to Parliament on last summer's prorogation, which was the starting point for this study by the Standing Committee on Procedure and House Affairs, it was obviously an incomplete, self-serving, one-sided representation of why Parliament was prorogued.

In fact, even the senior government officials who appeared before the Committee declined to vouch for the report being "100% accurate".<sup>5</sup> The same senior government officials also confirmed that prorogation was, at least as far as the official machinery of government was concerned, a hasty venture, with the Privy Council Office being put on notice to draw up the paperwork only a few days, during the weekend, prior to the actual prorogation of Parliament.<sup>6</sup>

While the academic witnesses who also appeared before the Committee had divided opinions on the merits of August's prorogation, there was a general consensus that the WE Charity scandal ranged from the "sole" reason for Parliament's shutdown to the cancellation of committee investigations into it being an "unfortunate" casualty.<sup>7</sup>

Nonetheless, the Liberals' approach to this exercise in government accountability made a mockery of the Committee and its reasonable effort to do meaningful work, starting with hearing from the actual decision-maker on prorogation, Mr. Trudeau.

### ***Four-month Liberal filibuster blocked access to evidence and the truth***

As much as we appreciated the perspectives shared by the several academics who appeared before this Committee in the course of its study, the simple point remained:

---

<sup>5</sup> Standing Committee on Procedure and House Affairs, *Evidence*, February 16, 2021, p. 21 (Allan Sutherland, Assistant Secretary to the Cabinet).

<sup>6</sup> *Idem*, p. 18.

<sup>7</sup> *Idem*, January 28, 2021, p. 4 (Dr. Ian Brodie); December 10, 2020, p. 16 (Dr. Barbara Messamore).



we weren't talking to anyone who had participated in the decision to prorogue Parliament and, therefore, could be held to scrutiny on it.

To quote Dr. Lori Turnbull, a political scientist who has written extensively on prorogation, "If this is going to be a successful reform does it not make more sense to have the Prime Minister come and tell you this? The reasons are his."<sup>8</sup> Conservatives couldn't agree more.

On February 2, the Committee extended invitations to several witnesses who had actually participated in the decision to prorogue or whose interests were directly implicated by the shutdown of Parliament, moving the Committee beyond hearing from a range of academic observers.

While many of those invitations went ignored, the Government House Leader, Pablo Rodriguez, and his supporting officials from the Privy Council Office, did accept their invitations. However, their vague, sometimes evasive, answers, coupled with the many unanswered invitations, it was obvious that the Committee had to step up its efforts to get real answers.

On February 23, a Conservative motion was put forward which called for several witnesses to appear before the Committee, with a plan to escalate the situation in the event any declined the renewed invitation, along with obtaining the documents which Mr. Rodriguez and his officials would not voluntarily offer up.

That motion—which would have received the votes of a majority of the Committee—not to mention the entire work of the Committee, was held hostage by a Liberal filibuster, spanning more than 100 days, from February 23 to June 3.

In the end, the Liberals, in partnership with the New Democratic Party, watered the motion down to the point of being meaningless: a further invitation would go to the Prime Minister and if he didn't accept—which is what we long saw coming—the Committee would paperclip a note to that effect to this report.

The witnesses we sought to have come before the Committee had much to offer in giving us a complete, 360-degree understanding of how the political events of July and August 2020 influenced the Prime Minister's decision to prorogue Parliament:

- *Justin Trudeau*: As the sole decision-maker on prorogation, he possesses the most direct knowledge and immediate reasoning for the Government's decision. There are countless questions which could be posed to him to determine, for example, how he reached his decision, what factors influenced his thinking, and how he intended to address or mitigate the consequences of shutting down Parliament.
- *Katie Telford*: As the Prime Minister's Chief of Staff, she would be well-placed to speak to the Prime Minister's thought process in reaching his decision, including

---

<sup>8</sup> *Idem*, January 28, 2021, p. 14.

what information and events helped to shape his decision, including any lobbying for that outcome, as well as the sequence and timing in reaching that decision.

- *Bardish Chagger*: The Canada Student Service Grant was her responsibility, officially at least. She could speak to how she was preparing to face tough questions when the Government's WE documents would become public and, despite their heavy redactions, pose many doubts about the credibility of her committee testimony. The former Government House Leader could provide insight as to whether she was pleading with the Prime Minister to give her some reprieve by taking the heat off her and the WE scandal through the prorogation of Parliament.
- *Bill Morneau*: Given his resignation the night before Parliament was prorogued—and his suddenly unearthed interest in being OECD Secretary-General—he could speak to his conversations with the Prime Minister, whether he actually resigned, whether (and to what extent) his hasty OECD campaign was to give his fellow Liberals a fig leaf of credibility, and how the plans for prorogation figured in the strategic communications planning around the announcement of his departure from Cabinet.
- *Chrystia Freeland*: As the incoming Minister of Finance, the Deputy Prime Minister played a featured role at the Prime Minister's press conference announcing prorogation, as he began the process of hitting the reset button on the Liberal government's political fortunes. While our Liberal colleagues extolled us, during their many-months filibuster, with various economic policy questions they would have asked, those would have been beside the point. However, she definitely could have shed light on what strategic communications planning went into the diversion from prorogation which her new ministerial assignment provided.
- *Craig and Marc Kielburger / WE Charity documents*: At their July 28, 2020, Finance Committee appearance, they made many undertakings to follow up with additional information and evidence. These were not provided in a timely fashion, and not ahead of prorogation. They could speak to what insight into the Government's plans to prorogue Parliament, or encouragement to stall in providing their answers to the Finance Committee, they might have received. As we later saw from the Government's WE documents, the Kielburgers were prolific correspondents with many senior Liberals, through e-mails and even LinkedIn direct messages; further correspondence records, had they been disclosed, might have revealed lobbying or encouragement for the Liberals to remove the pressure of committee investigations.
- *Martin and Farah Perelmuter*: Following media revelations that members of the Trudeau family had been paid a total of hundreds of thousands of dollars in speaking fees and expenses-paid travel, the Ethics Committee, on July 22, 2020, ordered the Perelmuters' company, Speakers' Spotlight, to produce, within a week, information on speaking engagements arranged for the Trudeau family, including clients' names, and the fees and expenses paid. On July 30, 2020, the Committee, as a gesture of good faith, extended Speakers' Spotlight's deadline to August 19, 2020. That order

fell when Parliament was prorogued the day prior to the deadline.<sup>9</sup>

The Ethics Committee would later hear from Mr. Perelmuter that he had consulted Trudeau about the release of this information, and that he was “not able to disclose any other information” during his appearance.<sup>10</sup> The Perelmuters could shed light on those consultations, the timing of the discussions, whether they were given direction on when to comply with the Ethics Committee’s order or assurances that they wouldn’t need to comply, and whether a draft response to the committee order was shared with their clients, as well as the fuller extent of their clients’ instructions.

- ***Prime Minister’s Office / Privy Council Office documents:*** In their February 16 appearances before the Committee, Mr. Rodriguez and senior officials from the Privy Council Office would not freely commit to provide the Committee with the documents which were requested during questioning, simply offering some variation of a glib “if it’s the Committee’s will” response. These documents, as a contemporaneous record of transactions now almost a year old, could provide insight into what actually happened, help guide the questioning of witnesses, refresh memories cluttered by the events of the intervening year, and generally make for a more efficient use of witnesses’ time.

### ***The Committee must complete this study, beginning with the Prime Minister’s testimony***

Given that the Committee’s work is, quite frankly, half-done, Conservatives do not believe that this report should be the end of the story. The Committee should get to the heart of the truth and hold the Government’s claims for its reasons for prorogation up to the harsh light of questioning in a parliamentary committee.

Our NDP colleague punctuated the Liberal filibuster with several interventions about the importance of hearing from the Prime Minister to make this reform successful, and to be able to write a complete report, such as these comments on the first day of debate:

I think it would be totally unsatisfactory as a precedent if the Prime Minister didn’t appear to speak directly to the issue of prorogation and the government’s reasons for prorogation....<sup>11</sup>

If there is a desire on the part of some members to move to a report, I’m really reticent to do that without hearing from the Prime Minister, as I say, because I think it’s a bad precedent.<sup>12</sup>

---

<sup>9</sup> On November 16, 2020, after a five-week-long Liberal filibuster, the Ethics Committee adopted a narrower version of its July order, limited to only the Prime Minister and his spouse’s speaking engagements organized by Speakers’ Spotlight, excluding from its scope those organized for his mother and brother, such as those where they were paid hundreds of thousands of dollars in fees and expenses to grace WE Day stages and “ancillary events”.

<sup>10</sup> Standing Committee on Access to Information, Privacy and Ethics, *Evidence*, December 7, 2020, pp. 3-4.

<sup>11</sup> Standing Committee on Procedure and House Affairs, *Evidence*, February 23, 2021, p. 3 (Daniel Blaikie, M.P.).

<sup>12</sup> *Idem*, p. 4.

We're disappointed that he resiled from his clear, principled position in voting with the Liberals to water-down the motion to re-invite the Prime Minister and to move onto a report without having heard from him.

**Conservatives believe that the study of the government's reasons for prorogation must be completed, which includes hearing from the Prime Minister and other key figures, within three months of the House concurring in the report.**

The Committee's decision to send the Prime Minister a third invitation earns marks for persistence—but, we all know it's a pointless gesture because it will be ignored, like the first two invitations. If a majority of the Committee was serious about hearing from the Prime Minister, it would have recommended that the House order his attendance at the Committee.

**To support completing this study efficiently, Conservatives recommend:**

- **the Committee be empowered to order the Prime Minister's attendance as a witness; and**
- **the House order, for the benefit of the Committee, the production of the Prime Minister's Office and Privy Council Office's records, from June 25, 2020,<sup>13</sup> to August 19, 2020, concerning options, polling, plans and preparations for the prorogation of Parliament.**

***The Liberals' prorogation reform must be strengthened, lest it be written off as a cynical farce***

When the Government proposed the addition of Standing Order 32(7) to the House's rule book, Conservatives cynically surmised that a government would just table the press release it used to announce prorogation. Well, that turned out to be the case, more or less.

Now that this new accountability mechanism on prorogations has practical experience, there are some ideas which immediately spring to mind if it is to become a more meaningful exercise in accountability.

To start, we are pleased to support the Committee's recommendations that future prorogation reports must be tabled by the Prime Minister, in acknowledgement of that office-holder's personal responsibility for the decision to shut down Parliament.

During the study, we heard suggestions that a prime minister should be required to appear before the Committee to defend his or her decision to prorogue Parliament. As a general matter of political accountability, it makes perfect sense that a prime minister *should want to appear* before the Committee. Certainly, in the present case, the

---

<sup>13</sup> It was announced that WE Charity would be administering the Canada Student Service Grant on this day.

inability to get answers from any source at all has made it necessary to compel the Prime Minister's appearance.

However, making it a permanent procedural obligation, with its implications for both the collective privileges of the House to have and direct the service of its Members and the individual privileges of those Members to be free to engage in the proceedings of Parliament as they see fit, is something which should not be rushed into on a mere whim, without the benefit of expert evidence before the Committee. Therefore, we are pleased that the Committee has recommended that it consider the matter further when it takes up a review of the Standing Orders.

***Effectively requiring the government to table a press release can not alone put political abuses of prorogation in check***

Looking to prorogations in the future, there are some initial conclusions we can draw from the circumstances confronted this summer. As the Committee heard, most occasion of prorogation were natural, uncontroversial transactions in the ordinary course of parliamentary business; however, in some cases—such as last summer's—they stepped outside of the ordinary experience.

It does not necessarily follow that the solution for when politicians with bad judgment make bad choices is to rip up countless decades or centuries of practices and procedures. Sometimes, it just comes down to putting good people, capable of sound judgment, into high office.

There are many pressing policy issues which federal and provincial governments and legislatures across Canada must tackle as we prepare to exit, and in the inevitable aftermath of, the COVID-19 pandemic. Entering protracted constitutional negotiations over recalibrating one politician's power relative to another politician's does not meet the urgent and pressing needs of everyday Canadians. Therefore, we are pleased to support the recommendation advising against pursuing constitutional amendments.

That doesn't mean, however, that the House's toolbox is completely empty when it comes to devising means to keep political abuse of prorogation better in check.

Bearing in mind that parliamentary time is a government's scarcest—and, therefore, most precious—resource, as one of the Committee's academic witnesses has written elsewhere,<sup>14</sup> one real way to discourage abusive use of prorogation is to introduce procedural “disincentives” to deny the Government the use of some House time when Parliament reassembles following the prorogation.<sup>15</sup> Doing so will require a prime

---

<sup>14</sup> Ian Brodie, *At the Centre of Government*, pp. 46, 89.

<sup>15</sup> Some witnesses appearing before the Committee during its 2010 study on prorogation had advanced ideas along these lines. See, for example, Standing Committee on Procedure and House Affairs, *Evidence*, April 27, 2010, pp. 1-2 (Rob Walsh, Law Clerk and Parliamentary Counsel); May 4, 2010, p. 7 (Prof. Benoit Pelletier, University of Ottawa); and May 11, 2010, pp. 6, 11 (Dr. Nelson Wiseman, University of Toronto).

minister to see the political “incentives” and “disincentives” in a different light, striking a different balance, and possibly reconsidering the instinct to prorogue in some cases.

Therefore, we are pleased to support the recommendation that the Committee, as part of its forthcoming review of the Standing Orders and parliamentary procedure, give consideration to procedural “disincentives” for a government which prorogues Parliament.

***The only natural conclusion to draw is that Parliament was prorogued to protect Liberals from the WE Charity scandal***

We regret the rushed nature of this report such that we did not even have the benefit of seeing the final draft of the report, reflecting all of the Committee’s changes, before it was approved or before these supplementary opinions were completed. We empathize with our hard-working clerk, analysts and translators who did their level best to keep up with the newfound urgency created by the deadline imposed by the Liberal and New Democratic members.

While we appreciate the time taken by our academic witnesses who shared their thoughtful and learned perspectives with us, we regret that they contributed to a half-finished, abruptly-halted study because the Liberal members engaged in a sustained effort to protect Mr. Trudeau and other senior Liberals from having to answer any tough questions or from having any information surface which would have conflicted with the Prime Minister’s Office’s carefully-crafted narrative.

When Parliament was prorogued last summer, the circumstances of the day made it evident that shutting down the WE Charity scandal—including four committee investigations—was the Government’s true, primary motivation in doing so. The subsequent actions of Liberals in approaching the Committee’s study have done nothing to persuade us otherwise; if anything, it has underscored our conclusion.

## **Bloc Québécois Supplementary Opinion**

### **Study on the Prorogation of August 18, 2020**

Le Bloc Québécois is appalled that the Committee was hijacked by the members representing the Liberal government, who prevented the Committee from completing its study on the prorogation of Parliament by filibustering and stonewalling for three months. Three months of using, mobilizing and wasting the Committee's work time, as well as the human and financial resources required to support parliamentary operations, and at a time when the interpreters, information technicians, analysts and clerks have been significantly affected by the difficulties of a hybrid Parliament since the beginning of the pandemic. The Liberals engaged in purely partisan tactics before the Committee, beginning on February 23, 2011, and derailed the debate, preventing the clear will of the majority from being carried out so that the Prime Minister would appear to explain the reasons for proroguing in August 2020. It is important to note that Committee members representing the governing party did everything in their power to prevent the Prime Minister from being summoned to appear before the Committee, which casts doubt on whether the reasons cited in the government's report on the prorogation are the real reasons. According to the Bloc Québécois, the current report is substantially incomplete and unfinished. The Committee did not hear from the Prime Minister, who is the only person who has the prerogative to prorogue Parliament.

The Bloc Québécois would like to stress that, because the decision to prorogue ultimately lies with the Prime Minister, it is the Prime Minister who should have appeared before the Standing Committee on Procedure and House Affairs, even if simply to testify to his good faith and show more transparency and leadership. We want to mention that, by failing to appear, the Prime Minister also missed a golden opportunity to act in accordance with the intention he shared in 2015 to ensure that prorogation would be used as part of a transparent and honest process. The Bloc Québécois would like to point out that this was the first time Parliament had been prorogued since the *Standing Orders of the House of Commons* were amended in 2015 by adding Standing Order 32(7), and that ideally the Prime Minister would have set an example for all future prime ministers who decide to prorogue Parliament by explaining his reasons before the Standing Committee on Procedure and House Affairs.

The Bloc Québécois would like to point out that the evidence given by Mr. Pablo Rodriguez in his role as Liberal House Leader was not sufficiently in depth to answer all of the Committee's questions about the reasons for the prorogation of August 18, 2020. Unfortunately, the House Leader's answers were evasive, using hollow and meaningless phrases. The House Leader was unable to demonstrate he had sufficient knowledge of the file, and was unable to answer several basic questions asked by the Bloc Québécois. For example, Mr. Rodriguez was unable to convince Committee members that a five-week-long prorogation was in fact necessary. Furthermore, he mentioned before the Committee that he was not aware of important facts regarding his government, such as the resignation of Mr. Bill Morneau from his position as Minister of Finance, which took place the day before Parliament was prorogued, on August 17, in the midst of the WE Charity and student service grant scandal.

The reasons listed by the House Leader in his report on the prorogation do not hold water. While the pandemic provided the appearance of a good reason for the Prime Minister to have prorogued Parliament, in fact the government used it as a pretext to mask the true reasons for proroguing. Evidence given by various experts shows that the political context in which the Prime Minister and his government found themselves at the time of prorogation, and the length of the prorogation, are enough to conclude that the real reason Parliament was prorogued was that the Liberal government was under pressure following the awarding of the new student service grant to WE Charity.

We believe that the prorogation was used to protect the partisan interests of the Prime Minister and his government. On that topic, the Bloc Québécois refers to the remarks of Mr. Daniel Turp, Associate Professor at the University of Montréal's Faculty of Law, when he appeared before the Committee. His statement supported the idea that Parliament had been prorogued to put an end to the studies being carried out by various parliamentary committees as part of the WE Charity scandal. The Bloc Québécois would like to point out that, at the time prorogation occurred, four parliamentary committees (Ethics, Official Languages, Finance and Government Operations) were working on studies calling the government to account for its actions involving the granting of a suspicious contract to the WE organization and its leaders, the Kielburger brothers. It is important to note that granting this contract placed the Prime Minister, some of his family members, the then Minister of Finance, and several Privy Council employees in a very awkward situation, which could be very politically damaging for the Liberal government. Proroguing Parliament in the



summer of 2020 is a perfect example of a royal prerogative used for political and partisan reasons by the Prime Minister in a moment of desperation to create a distraction in the midst of a scandal that could blow up in the face of his government and tarnish the reputation of the Prime Minister and some of his family members.

Experts were highly critical of the fact that prorogation had been used: in their view, it was a diversion tactic to avoid a no-confidence vote, to reset committees working on studies that were politically damaging to the governing party, or to prevent or delay calls for accountability from the opposition parties. Professor and constitutionalist Patrick Taillon's analysis shows that prorogation is used as a political and partisan tactic to protect the governing party, to be accountable or as a delay tactic.

This strategy was used in the midst of the COVID-19 pandemic, while many Quebeckers and Canadians were fighting for their lives, while everyone was making sacrifices to avoid spreading the virus and to protect seniors and vulnerable people, while workers were losing their livelihoods, and while businesses and the arts and culture industry were facing unprecedented economic difficulties. By proroguing Parliament for just over five weeks, while a public health crisis was ongoing, the Prime Minister was putting his own interests and the interests of his government ahead of the best interests of Quebeckers and Canadians, who needed a stable and functioning Parliament in case of emergency.

In acting this way, the government deprived the citizens it represents of the legislative branch, which is an essential tool in a minority Parliament, used to implement assistance programs, pass any legislation needed in emergency circumstances quickly and meet the needs of the population. The Prime Minister could have prorogued for a much shorter period, in order to avoid leaving Quebeckers and Canadians without a functioning Parliament that could respond to changing circumstances. Unnecessary risks were taken when caution was the appropriate course of action in the context of the pandemic and in the best interests of the population. Furthermore, many experts confirmed that there was no need for the government to prorogue Parliament in order to set a new legislative agenda and align its policy directions with the pandemic response.

In conclusion, it is unfortunate that the government Committee members filibustered for months on end, and that the Committee was unable to hear from the Prime Minister as part of its study on the reasons for the prorogation of August 18, 2020. The Bloc Québécois regrets that, for these

reasons, this report could not truly be completed and the Committee was unable to conclude its work for the benefit and in the interests of the population of Quebec and all Canadians.

## **SUPPLEMENTARY OPINION OF THE NEW DEMOCRATIC PARTY OF CANADA**

### **TWEEDLE-DEE AND TWEEDLE-DUM: HOW THE LIBERALS AND CONSERVATIVES CONSPIRE TO PROTECT THE PREROGATIVE FROM DEMOCRATIC CONTROL AND ACCOUNTABILITY**

Justin Trudeau may not be the first Prime Minister to have abused the power of prorogation for political purposes, but there was some hope at the outset of this study that the committee might propose meaningful reforms that could reasonably be expected to curb, if not completely eliminate, that kind of political abuse.

Two paths were open to the committee, were it more interested in fixing this persistent problem than merely engaging in the opportunity for political theatre that this particular prorogation presented. The committee could have proposed legislative amendments to constrain the Prime Minister's powers to recommend prorogation or it could have proposed changes to the Standing Orders that would introduce more accountability for the Prime Minister by strengthening the requirements of Standing Order 32(7).

Unfortunately, the committee chose neither option. While the Prime Minister is guilty of having undermined the evidentiary base of the committee's study by failing to appear, he alone cannot be blamed for the committee's failure to recommend a path forward that would make it more difficult for future Prime Ministers to engage in the same underhanded tactics.

The support of either the Liberals or Conservatives should have been enough to secure such a recommendation, but there is no such recommendation in the report. The absence speaks volumes.

While Liberals and Conservatives are happy to throw mud at each other over the decisions made by the other party's Prime Ministers, they are united in protecting this unbridled power of the Prime Minister – already abused on several occasions in this century alone – and shielding Prime Ministers from any meaningful accountability for its use or abuse. New Democrats believe Canadians would be better served by Parliament treating the disease, rather than the symptoms.

Canada often looks to the United Kingdom for guidance on matters of parliamentary procedure. There, the special prerogatives of the Prime Minister concerning the prorogation and dissolution of Parliament do have meaningful constraints. Both Parliament and the courts in the United Kingdom have weighed in on, and can influence, the use of those prerogatives

## **Legislative fix**

New Democrats disagree with recommendation (a), which counsel against limits on the Prime Minister's powers to prorogue. To the contrary, we believe that the elected House of Commons should have to authorize a prorogation before the Prime Minister proffers advice to the Governor General to that effect, preferably by a two-thirds majority. A similar requirement should be put in place to authorize dissolution of a parliament before the fixed-election date set out in legislation.

These reforms would add a new, material measure of democracy to Canada's system of government. The only Canadians with anything to fear from such reforms are those who imagine they may one day be in a position to abuse these powers to advance their own interest, and the rest of us should not heed their advice.

## **Procedural fix**

The legislative solution above is challenging to implement in light of the contention of some that a constitutional amendment would be required to impose limits of that nature on the special prerogatives of the Prime Minister. Procedural measures could be taken in the meantime to mitigate the abuses of prorogation. It was open to the committee, for example, to propose enhancements to the procedure in Standing Order 32(7) so as to at least compel the appearance of the Prime Minister as a witness in any future study of the reasons behind a prorogation.

New Democrats believe that the committee ought to have pushed for concrete measures to allow Parliament to more effectively hold Prime Ministers to account for decisions around prorogation. We submit the following recommendation to that effect:

## **Recommendation**

That Standing Order 32(7) be replaced with the following:

(7) Not later than 20 sitting days after the beginning of the second or subsequent session of a Parliament, the Prime Minister shall lay upon the table a document outlining the reasons for the latest prorogation. This document shall be deemed referred to the Standing Committee on Procedure and House Affairs immediately after it is presented in the House.

(7.1) The Standing Committee on Procedure and House Affairs shall study the document and report back to the House of Commons no more than 30 sitting days after the document is referred to the committee.

(7.2) Any member of the Standing Committee on Procedure and House Affairs may, within 20 sitting days of the Committee commencing a study pursuant to Standing Order 32(7), request

that the Prime Minister appear as a witness on the study within 10 sittings days of the request, by depositing the request with the Clerk of the Standing Committee on Procedure and House Affairs. Such a request shall be deemed to have been adopted by the Standing Committee on Procedure and House Affairs, shall be presented to the House at the next earliest opportunity as a report of that Committee, and shall be deemed concurred in as soon as it is presented to the House.

### **Reasons for the recommendation**

This change to the Standing Orders would accomplish several things. First, it would make the Prime Minister's personal accountability for prorogation decisions clear by requiring that Prime Ministers themselves table the document outlining their reasons for the decision.

Second, it would ensure that the Procedure and House Affairs Committee both study the reasons for prorogation and report back to the House. On many occasions in the course of this study, government members of the committee made statements to the effect that they had done a nice thing by agreeing to a study on the government's reasons for prorogation. Their view, it seems, was that opposition members should be happy we had a study at all, never mind getting to question the Prime Minister. The fact of this minority parliament is that they did not have much choice. The implications for a majority parliament are clear enough: studying the reasons for prorogation under Standing Order 32(7) is, in their view, a privilege that can be withheld. Even in the context of this minority parliament, it was uncertain for too long whether the committee would succeed in filing a report on the matter. Assurances that there will be a study and a report are therefore necessary.

Third, it would set a timeline for the study. The prolonged filibuster of this study by Liberal members is the best argument one could make for imposing a timeline on the study.

Fourth, it would address the main sticking point in the study that led to the filibuster: the question of whether the Prime Minister has an obligation to appear. By allowing any member of the committee to call the Prime Minister as a witness and giving the call, at the outset, the force of an order of the House, this proposal would make it clear that the Prime Minister has a duty to appear, unless the whole committee decides otherwise. If such a rule had already been in place, the filibuster would not have lasted as long as it did and the committee could have turned its attention to other pressing matters, like consideration of Bill C-19 and its proposals for how to conduct a pandemic election.

It is disappointing that the committee could not find its way to making a recommendation like the one above. Its advice amounts to simply waiting until the power of prorogation is abused again and seeing what political points can be scored in the moment. For all the time spent on this study, Canadians deserve better advice than that.

New Democrats nevertheless endorse the findings of this report, as well as those recommendations that do not seek to protect the Prime Minister's unfettered right to use and abuse the special prerogatives of the office.