Canada’s Perspective on Post-Legislative Scrutiny

The Honourable Percy E. Downe
Senator
Senate of Canada

4th Gathering of the ParlAmericas Open Parliament Network
Beyond the Walls of Parliament: Strengthening Parliamentary Oversight
March 12-14, 2019
Quito, Ecuador
Canada’s Federal Legislative Process

To become law, bills are:

- debated and voted on during three separate readings

- passed in same form by Senate and House of Commons

• require laws to be studied after a fixed period of time

• e.g., Canada’s *Conflict of Interest Act*
  – 5-year review completed in 2013
  – parliamentary committee held 16 meetings, heard from 26 witnesses
“Sunset” Provisions

• like an expiration date for legislation
  – fixed date on which all or part of a statute cease to have the effect of law

• e.g., Canada’s *Anti-terrorism Act*
  – sunset provisions for preventive arrests and investigative hearings
Statutes Repeal Act

• provides for repeal of statutes – in whole or in part – if they have not been brought into force with 10 years of Royal Assent

• report tabled in House of Commons annually listing laws or parts thereof not yet in force during last nine years
Written Questions

• questioning the government of the day with the purpose of:
  – obtaining information, research and statistics held by government
  – receiving opinions or explanations about a government decision
Access to Information Process

• purpose is to obtain documents produced and held by government
• requests must be responded to within 30 days
• departments or agencies can seek time extension to respond
• certain documents are exempted from release
Canada’s Auditor General

• special reports, which call matters of pressing urgency to Parliament’s attention

• inquiry and report: on request, Auditor General can inquire and report into any matter relating to financial affairs of Canada
Parliamentary Budget Officer

- mandate is to provide independent analysis to Parliament on:
  - federal budget
  - estimates
  - matters of significance to nation’s finances
  - costing of proposed measures
Thank you!

The Honourable Percy E. Downe
Senator
The Senate of Canada