

DIGGING DEEPER

Parliamentary Structures

A Hill Primer for Environmental Advocates

EVERY DAY
ADVOCATES



Environmental
Leadership
Canada

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Objective

As environmental advocates, understanding the complexities of Canadian Parliamentary structures can help in effectively navigating the legislative landscape. This primer provides an overview of key Parliamentary processes, divisions of power, and its internal decision-making bodies that affect environmental leadership within, and alongside, the Canadian Parliament. A quick refresher on Canada's system of government is included.

Among the questions considered are:

- *What role does the Senate play in environmental decision-making?*
- *What is official party status and how can it impact the environmental leadership of MPs?*
- *What does the PMB lottery system mean for environmental advocacy?*
- *What is the function of Parliamentary Standing Committees?*
- *How does the Executive branch specifically affect outcomes for the environment?*

Quick Refresher:

- Canada is a **federation**, which means that decision-making authority is distributed between three levels of government: **federal, provincial and municipal**. Different levels of government have different areas of authority.
 - “The environment” does not fall into a single jurisdiction - different levels of government all play a role in tackling crises like biodiversity loss and climate change
 - Members of Parliament (MPs) work at the **federal level** of decision-making
- Canada is also still a **constitutional monarchy** and a **parliamentary democracy**, based on the British “Westminster” system of governance.
- This means that the government acts in the name of the Crown (the British monarch), but that Canadian citizens choose this government by electing Members of Parliament. Although largely ceremonial in practice, the British monarch is still legally Canada’s head of state and is represented by the Governor General. The Governor General does not engage in policymaking, but must issue Royal Assent on every bill before it can become law.

1 The Two Chambers of Parliament: The House of Commons and the Senate

Two Bodies of Legislative Decision-Making

The Canadian Parliament has two chambers: **the upper chamber of the Senate and the lower chamber of the House of Commons**. This division is known as a “bicameral legislature.” In Canada, the House of Commons is elected (Members of Parliament) while the Senators are appointed by Prime Ministers to serve until they retire. MPs represent specific ridings; Senators are representative of regions at large.

With some exceptions (mainly bills on spending and taxation), bills can be proposed in both the House of Commons and the Senate. Bills that are introduced in the Senate start with S (e.g. “Bill S-5”) and those that start in the House of Commons are labeled with C (e.g. “Bill C-226”). While legislation can start in either chamber, it is most commonly introduced in the House of Commons by a government Minister. (See Private Members’ Business for more on bills introduced by non-Ministers). However, **all bills are subject to review, debate and a vote in both chambers before they can receive Royal Assent and become law. Both chambers can propose amendments that strengthen legislation (or water it down).**

For environmental advocates, **this dual nature of legislative review has drawbacks and benefits**. On one hand, advocates may be frustrated that the pace of change on pressing issues is slowed by the need for bills to go independently through both the House and Senate. As well, because the Senate is unelected, some would argue that their decisions do not reflect the will of the Canadian people. This has been especially true in past cases of unelected Senators stalling – and ultimately defeating – environmental bills passed in the House of Commons.

On the other hand, the role of the Senate is to provide “**sober second thought.**” As the Senate does not have the same short-termism (election cycle to election cycle) that prevails in the House of Commons, Senators are less subject to political headwinds of the day and can take a longer view of policy decisions. Until recently, Senate appointments were partisan and closely mirrored party divides in the House of Commons; since 2015, however, the Senate has become more independent, resulting in more scientific and academic expertise on Parliament Hill and Senate groups that no longer align with mainstream political parties (though a Conservative Senate party still remains). In practice, this could lead to more thoughtful and robust policymaking, especially as the Senate has the opportunity to propose amendments that strengthen legislation originating in the House. It could also provide a critical backstop to reversing environmental gains and reducing policy lurch when governments change.

2 The Executive Branch

The Prime Minister and Cabinet: Where Most Legislation Begins

The executive branch is the decision-making power comprised of the monarch (represented by the Governor General), the Prime Minister and the Cabinet (Ministers). Together, they form the government of Canada.

The Prime Minister is the head of government (the monarch is the head of state) and is responsible for appointing members of the Cabinet. Cabinet members play a significant role in developing and implementing policies related to their assigned portfolios. **Most legislation introduced in the House of Commons is by a Minister.** In a majority government, Cabinet has the power to make sweeping changes with relative ease in the House of Commons.

Ministers are the head of their respective departments, though it is the Deputy Minister, a senior civil servant, who oversees the day-to-day functioning of the department. In the House of Commons, Ministers are aided by Parliamentary Secretaries - an MP who assists the Minister in their duties and often holds key Committee roles and may be tasked with the lead on key policy priorities by their Minister.

In Canada, the Prime Minister and Cabinet have immense power over the environmental direction of a country. This comes not only through guiding legislative development, but also through overseeing the implementation of laws and policies, developing regulations, and funding environmental programs. Among the challenges that environmental advocates should be aware of:

- **Lack of continuity** – When government changes, new Ministers are appointed. Deputy Ministers, who are in the civil service, can also change despite being officially nonpartisan, as unlike most public servants, their appointment to this role is determined by the Prime Minister and Privy Council.
- **Learning curves** – Ministers can (and often do) come into their roles with limited knowledge on the issues for which they are responsible. Cabinet shuffles further the learning curves.
- **Leadership styles and centralization of power** – Different Prime Ministers exercise different degrees of authority over Cabinet. This can range from decentralized, team-style approaches to top-down decision-making that decreases ministerial autonomy and concentrates power in the Prime Minister's Office.

3 Private Members' Business & the PMB Lottery

Members of Parliament who are not Ministers, Parliamentary Secretaries, or the Speaker/Deputy Speaker are called Private Members (or, if from the governing party, “backbenchers”). Private Members are not able to introduce legislation as easily as Ministers can. In fact, they may not be able to introduce it at all due to the nature of Private Members’ Business in the House of Commons.

Private Members’ Business refers to time set aside in the House schedule for Private Members to move motions or introduce bills. These generally focus on issues of special interest to the MP or to their constituents. However, **not every MP who wants to bring forward their priorities for House consideration will be able to.**

To determine whose Private Members Bills (PMBS) will be considered first (the **Order of Precedence**), a lottery system is used. Each MP who wishes to introduce a PMB puts their name into a random draw; the first name drawn will have the opportunity to introduce their bill first, followed by the second name, and so on. The Order of Precedence greatly affects the likelihood of a Private Members’ Bill potentially becoming law, as those near the bottom may not have their turn come up before an election dissolves Parliament.

For environmental advocates, Private Members’ Business offers a unique opportunity to draw attention to under-recognized issues, raise public awareness, and influence policy. However, the Order of Precedence itself means that any effort to drive environmental change through a PMB requires some element of luck, and even those who are able to introduce an environmental bill face challenges in getting it passed:

- The MP will need to garner support from their fellow MPs. There is no guarantee that party leadership will support a PMB even from an MP within their caucus.
- Limited time is dedicated each week to Private Members Business, making the pace of moving through the Order of Precedence very slow. Additional time constraints are placed on debate for each PMB at second reading and at the report stage and third reading.
- PMBs do not have the same level of institutional support and resources behind them as government-sponsored bills.
- Of course, like all bills, even PMBs that do manage to pass in the House of Commons need to go through the Senate.

For more on the opportunities and limits of Private Members Bills, see the “Tools of MPs” primer.

“If you have a PMB, it takes literally two or three years to get through Parliament.”

- PIE MP interviews

4 Standing Committees of Parliament

Parliamentary committees play an important role in the legislative process, **undertaking deep-dives into proposed legislation, conducting research, listening to expert testimony, and suggesting amendments to bills.** Standing (permanent) Committees in the House of Commons are comprised of MPs from parties with official party status (see Section 5), who are generally selected by their party's party leadership. Similar committees exist in the Senate.

While environmental crises like climate change and biodiversity loss are interconnected “wicked problems,” some Standing Committees in the House of Commons that of most relevance to environmental decision-makers are:

- **The Standing Committee on Environment and Sustainable Development (ENVI):** studies the programs and legislation of Environment Canada, Parks Canada and the Canadian Environmental Assessment Agency, as well as reports of the Commissioner of the Environment and Sustainable Development
- **The Standing Committee on Natural Resources (RNNR):** studies issues, bills, and expenditures related to Canada's energy, forest, minerals, metals, and earth sciences sectors
- **The Standing Committee on Agriculture and Agri-Food (AGRI)**
- **The Standing Committee on Fisheries and Oceans (FOPO)**

Once a bill is adopted at second reading, it is referred to the most relevant committee for further study, where it is reviewed clause by clause. After consideration and potential amendment by the committee, the bill returns to the full chamber for further debate and a vote.

Notes for Committee Witnesses from a former Parliamentary Intern for the Environment

Committees may hear from witnesses (experts, individuals and representatives of groups) as part of their ‘deep dive’ studies (learn more about the selection process [here](#)). Standing Committee practices can be intimidating for witnesses who are invited to provide evidence and opinions to inform decision-making. Witnesses may find themselves caught in the middle of partisan battles, or squeezed by logistical issues and procedural limitations. For example, MPs are allocated only brief periods of speaking time for questions directed to witnesses. Since the adoption of virtual sittings, technical difficulties sometimes result in meetings being pushed back or cut into witnesses’ speaking time. While committee meetings are generally open to the public and media, some sessions – called in-camera meetings – are held behind closed doors. Here, more candid discussions often take place.

It can also feel discouraging if MPs appear distracted during witness testimony - however, this may not be a result of disinterest. MPs may be accessing information on their phones from party leadership about what stance to take in debates, or clarifying details for themselves if they are substituting for a colleague and less familiar with the subject area. Expert witnesses can still provide briefing notes or seek meetings with individual MPs to ensure their insights receive full attention.

5 The Significance of Official Party Status

Environmental leadership in Parliament is also affected by a party's recognized standing – in other words, whether or not it has **official party status**. This extends to parliamentary groups in the Senate that are not embedded within mainstream political parties but are still recognized caucuses, including **the Independent Senators Group, the Progressive Senate Group and Canadian Senators Group**.

To receive official status and the corresponding benefits, a party or a Parliamentary group must hold 12 seats in the House of Commons and 9 in the Senate.

Groups with official party status have more resources and opportunities to influence policy and legislation than those without it, as they receive privileges such as funding for research offices and, crucially, seats on Parliamentary Committees (allocated proportionally). Members from parties without official party status, such as the Green Party in the House of Commons, are ineligible to sit on Standing Committees or to ask questions during Question Period.

In effect, this creates a two-tiered system of influence among elected decision-makers, with the potential to sideline environmental voices outside outside the biggest parties.

The Electoral System & A Two-Tiered Party System?

Though beyond the scope of this primer, the electoral system that decides representatives in the House of Commons - and by extension, who will appoint incoming Senators as Prime Minister - has been subject to criticism for creating a two-tiered system of power. The “winner takes all” nature of the first-past-the-post system means that a governing party may have the majority of legislative power in the House of Parliament, while only representing about a third of Canadian voters. Some advocates argue that proportional representation in our electoral system would be better for the environment, as parties with an environmental focus would be better represented in the House of Commons (presumably, through less strategic voting). Detractors of proportional representation, however, have argued that this would slow the pace of change on issues requiring decisive action, and point to countries like the U.K. as proof that a first-past-the-post system is reconcilable with robust climate policymaking. Either way, the result is a concentration of power - at both the federal and provincial levels - that tends to lurch between only two major parties.

6 The Broader Decision-Making Ecosystem

Though powerful, Parliament does not have exclusive nor unchecked authority in federal decision-making. Other key players in the decision-making ecosystem include:

- **Regulators & government agencies** - May report to Parliament through their respective Minister, but operate within the bureaucracy. For example, the Impact Assessment Agency is part of Environment and Climate Change Canada and informs decision-making by providing analysis and evaluation on potential social, economic and environmental impacts of major proposed projects. Other regulators directly interpret and enforce decisions made by Parliament.
- **Indigenous Peoples of Canada** - The federal government recognizes the inherent right to self-governance of Indigenous Peoples within the framework of the Constitution, though not every nation has a recognized system of self-governance in place. At the broadest level, consultation with - and **free, prior and informed consent of** - Indigenous communities is required for major projects impacting their territories.
- **The Supreme Court of Canada** - Interprets the Constitution and rules on legal challenges to legislation approved in Parliament, such as the constitutionality of the federal carbon tax plan.
- **Outside interests (industry and advocacy)** - Groups like NGOs, industry associations, and citizen's groups engage with Parliament, and Parliamentarians, through participation in as Committee witnesses, as advocates (e.g. through petitions), and as lobbyists (see Introduction to Lobbying Primer).
- **Provincial and municipal governments** - Where the federal government does not have sole jurisdiction in decision-making, it must work with its provincial and/or municipal counterparts (e.g. premiers and provincial legislatures)
- **International Agreements** - Canada is signatory to various international agreements, including treaties such as the Paris Agreement on climate change. Parliament ratifies these agreements, which then inform the country's internal policies.