

## Objective 3 Choice C

### Legislative Process: How a Law is Created

The Parliament of Canada is the institution where federal laws and public policies are drafted, debated, and made.

Making a law is a complicated process! When including both the Lower and Upper Houses of Parliament, there are actually **seven** steps in Canada's legislative process. They are: first reading, second reading, committee stage, report stage, third reading and referral of the bill to the other House, and finally, Royal Assent by the Governor General.

#### **First stage**

The first stage of the legislative process consists of the bill being presented by a Member of Parliament in one of Canada's two Houses. The Minister or Member briefly describes its objectives and content, and moves that the bill be read a first time. The purpose of this first reading is to introduce the bill so that it can be printed, given a number, and distribute to all Members of Parliament.

Bills can be introduced in either the House of Commons or the Senate. A bill which begins with a "C" signifies that it originated in the House of Commons. If the bill begins with an "S", then this means the bill originated in the Senate.

#### **Second stage**

The second reading permits the main occasion for debate on the general principles of a bill. It is at this stage that the main principles of the bill are debated. The Official Opposition then has the opportunity to respond during debate to express their views on the bill. Debating bills is important as it provides laws and government policies to be publicly negotiated to create a consensus. After the debate the bill can be postponed for three to six months, not be given second reading, or it can be sent to the committee level to continue with the legislative process

#### **Third stage**

Following second reading, most bills are then sent to Committee for a detailed clause-by-clause analysis. Depending on which of the two Houses a bill originates in, that House will determine which committee the bill will be sent. For example, if it is a bill in the House of Commons, then the bill is sent to committees of the House of Commons. Usually bills are sent to standing committee whose mandate is closely related to the bill, but sometimes a committee is formed for the purpose of studying a specific bill. A legislative committee is empowered to examine and inquire into the bills referred to it – to hear evidence and to report back to the House where it originated with or without amendments.

#### **Fourth stage**

The fourth stage of the legislative process is entitled the report stage. In the Senate, the committee that has been examining the bill produces a report that is presented by the chairperson of the committee to the rest of the Senate. If the committee reports a bill without any amendments, then the report stands and the Senator in charge will move that the bill goes onto the next stage, the third reading. However, if the report from the committee recommends amendments then the Senate will debate the report and either accept, amend, or reject the bill, in whole or in part.

The House of Commons follows a similar procedure at this stage. However, to prevent the report stage from repeating the work of the committee, the Speaker of the House of

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Commons is authorized to group amendments for debate. The Speaker will also determine whether each motion should be voted on separately or as part of a group.

### **Fifth stage**

After passing report stage a bill then undergoes a third reading in the House where it originated. Third reading is the final stage that a bill must pass. At this stage, similar to the second reading, the House can elect to postpone the bill, end the bill, and it can also send it back to committee. The Senate also has the ability to make additional amendments at this stage.

If it passed by a vote after the third reading it is then sent to the other House, where it undergoes a similar process. This means if a bill originated, and passes the third reading in the House, it is then sent to the Senate.

### **Sixth stage**

As most bills originate in the House of Commons, it is at this stage where it is sent to the Senate. However, should the bill have originated in the Senate, it would be sent to the House of Commons.

If the Senate adopts the bill without any amendments, the House of Commons is notified that the bill has been passed and can now go on to the final stage, Royal Assent.

The Senate, however, often makes amendments to bill, which could be as simple as corrections in drafting or improvements to administrative aspects. In these cases the House normally accepts these amendments.

If the House does not agree with the Senate, it states the reasons for its disagreement and communicates this to the Senate. If the Senate still wants the amendments, it will send a message back the House rejecting the proposed changes.

This back and forth process of referring Bills to the other House is to ensure both Houses in Canada's Parliament are in complete agreement with every detail in every clause. Only when both Houses agree to the changes by the other House is the Bill ready for Royal Assent.

### **Seventh stage**

The final phase of the legislative process in Canada is called Royal Assent. This is the formal and final method for completing the legislative process. A bill becomes law by the signature of the Governor General, the Queen's representative and the official Head of State in Canada.

If Royal Assent is refused or deferred this would be akin to what Americans call Presidential vetoes. But to my knowledge, this has never happened in Canada.

Once a bill has been granted Royal Assent, it becomes law and comes into force either on that date or at a date provided for within the Act.