



Educational Resources

MODEL PARLIAMENT UNIT – BACKGROUND LESSON: HOW A BILL BECOMES A LAW

Background Lesson: How a Bill Becomes a Law

Instructions

Read and discuss with your class the following stages that a bill must go through before becoming law. Fill in the Blank Flow Chart provided as demonstrated on the overhead by your teacher.

Introduction of a Bill

A bill is first introduced during Routine Proceedings. A Minister or MP moves a motion asking permission or "leave" of the House to introduce the bill. (This does not happen in the Senate.) This is granted without any debate, amendment or formal vote. The Minister or MP then moves a motion that "the bill be now read a first time and printed." This motion also passes automatically. In order to expedite proceedings, the Speaker, who had been told ahead of time which Ministers or MPs wished to introduce bills that day, will read the motions to the House and the Minister or MP only needs to nod assent. A Minister introducing a bill rarely says anything at this time, but MPs are allowed to and normally do make a brief statement about why they wish to introduce their bill and what it will do.

A bill number is given to the bill (C-1, C-2, C-3 if a Government bill is introduced in the House; C-201, C-202, C-203 if it is a private Member's bill) and it is entered on the Order Paper. Before all this happens only certain Government or House of Commons officials know about the bill, but now it becomes public knowledge.

In the Senate, a bill is introduced and receives first reading automatically. It is assigned a bill number (S-1, S-2, etc.) and placed on the Order Paper under "Government Orders" if it is introduced by the Leader of the Government or the Deputy Leader, and under "Other Business" if it is introduced by any other Senator.

In the House of Commons, private Members' bills are subject to a random draw to determine if they will be considered or debated by the House. In the Senate, private Members' bills are not subject to a random draw. Senators introduce bills, which automatically receive first reading, and are placed on the Order Paper for second reading at a later date. All private Members' bills are "votable."

In the House of Commons, if a Minister sponsors a bill, it is recorded under "Government Orders." If a private Member sponsors a bill, it goes under "private Members' Business." Government bills and private Members' bills are not treated exactly the same. One significant difference is that not all private Members' bills will be chosen



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for debate. Because of a lack of time, the private Members' bills to be considered are selected through random draws.

In the case of private Members' bills, all items drawn for debate may come to a vote unless the Member indicates otherwise. Any Member can suggest that another Member's business is not admissible for debate and a panel of Members will determine if the complaint is legitimate.

Discussion Questions

1. What two motions have to be passed at this stage?
2. How would you feel if you were a private Member and the bill you had been working on for many months, or even years, had never come up for debate because you were unlucky in the random draw?
3. Rather than using a random draw, can you think of a better way that could be used to choose which bills are selected for debate?

Second Reading

First, a motion is moved that the bill be read a second time and sent to a committee for consideration. Then the second reading debate begins. The second reading debate focuses solely on the principle of the bill – that is, what the bill will do in general terms, and why it is needed. This debate is typically long and lively for a Government bill. Even if the Government has a solid majority, it is unlikely that a bill will pass easily through second reading, unless it is non-controversial. Opposition parties will often try to use tactics to stall the process.

In the Senate, the motion is only that the bill be read a second time. Once second reading is given, a motion may be moved to refer it to committee.

Certain changes or "amendments" are allowed at this phase: a reasoned amendment which spells out particular reasons for opposing a bill; a discharged amendment which refers the subject matter of the bill to a committee while discharging the order for second reading; or a hoist amendment which prevents the bill from being "now" read a second time and postpones the reading for three or six months, which in effect kills the bill for the session. At the termination of the debate at second reading, the question is put first on any amendment that has been proposed. If the amendment is defeated or if no amendment has been proposed, then the question for second reading is put and voted on. If agreed to, the bill is then sent to committee for the next stage in the legislative process.



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In the case of private Members' bills, traditionally, few make it beyond second reading. They are usually voted down at this stage.

Discussion Questions

1. This is the most important stage a bill must go through. Why?
2. What types of amendments are allowed at second reading?
3. Give an example of a case in which you think the "hoist" might be used.

Consideration of a Bill in Committee

The committee stage is designed for close examination of a bill. When a bill is urgent or non-controversial, however, it may be referred to a Committee of the Whole. In other words, the committee is actually made up of all the Senators or MPs sitting in the House as a committee. In some cases, a bill could pass through several stages at one sitting.

The principle of the bill normally needs to be accepted by the House before going to a committee. Next, the committee examines the bill in detail. The committee members must decide whether to add amendments to the bill before it goes back to the House. They will often call upon witnesses or experts to help them improve the bill.

A detailed study of the bill is made, clause by clause, and often changes to wording are proposed, new provisions added or certain parts deleted. Committee members may receive help from either the Legislative Counsel or the Department of Justice (if the Government proposes them) in drafting the amendments, that is, putting them in proper wording.

Decisions made in the committee stage are usually final. The bill as amended must be reported back to the House and follow the normal approval procedures. Amendments made to the bill in the committee stage are not often changed when the bill is returned to the House.

Discussion Questions

1. Why do you think the committee stage is important?
2. What is the purpose of amendments?

Report Stage

House of Commons



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After the committee's report to the House of Commons and a time delay to allow members time to consider further amendments, the Speaker begins debate on the bill by calling for "consideration of the report stage of Bill X, as reported from Committee Y."

The House of Commons can either express agreement with the bill or consider and vote on further amendments if any have been put on notice, and then agree to the bill (as amended).

All MPs have an opportunity to propose amendments at the report stage, but they must give written notice. The Speaker selects the amendments to be debated, ensuring fairness and an efficient use of time (for example, by avoiding duplication). The underlying principle of the bill was already approved at second reading, so any amendments made must not change that principle.

The Commons votes for or against the amendments. The Minister responsible for the bill, or the sponsoring parliamentarian, then makes a motion that the House of Commons agree to the bill (as amended).

Senate

Senate procedure is different from that of the House of Commons. In the Senate, if a Committee reports a bill without amendment, the report stands adopted and a motion is made that it be read a third time on a future day. If a committee reports a bill with amendments, debate on the adoption of the report will take place at a future sitting. Once the committee report is dealt with, the bill can then move on to third reading.

Discussion Question

1. Do you agree or disagree with the rule that the basic principle of the bill cannot be changed at this point? Explain your reasons.

Third Reading

A motion that "the bill be now read a third time and do pass" is made at third reading. The House can now review the bill in its final form. The focus of the debate is on whether the bill in its final form does what the House agreed to at second reading. As at the second reading, debate must focus on the basic principle of the bill and only certain types of amendments are permitted – basically, the same as at second reading. The possibility exists of referring the bill back to committee for reconsideration of a particular clause at this stage. As a general rule, the debate at third reading is shorter than at second reading. At the termination of debate at third reading, the question is put to the



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chamber and voted on and, if agreed to, the bill is then sent to the other chamber for the next stage of the legislative process.

Discussion Questions

1. What is the purpose of the third reading?
2. Do you think debate at third reading is necessary? Why or why not?

Consideration in the Other Chamber

Once the bill has made it through the Senate or House of Commons, it now must pass through the other chamber where the process starts again from its introduction. The two chambers communicate through messages, informing one another that a bill has passed or that amendments have been made. The other chamber must agree to any amendments to a bill, and messages may go back and forth until agreement is reached. Once a bill is passed by both chambers in the same format, all it needs is Royal Assent before it can be proclaimed into law.

Discussion Question

1. What are the benefits of sending a bill to the other chamber?

Royal Assent and Proclamation

Royal Assent may be signified in two ways: first, by a traditional ceremony in the Senate Chamber; and second, by a written declaration which takes place at either Rideau Hall (the Governor General signifying assent) or at the Supreme Court (if the Deputy of the Governor General signifies assent).

The ceremony in the Senate Chamber proceeds as follows: the Governor General or his or her Deputy – a justice of the Supreme Court – presides at this ceremony in the Senate Chamber. After a procession of the Speaker and parliamentarians into the Chamber, the titles of the bills are read by the Clerk of the Senate.

A simple nod of the head by the Governor General or Deputy means that Royal Assent is given.

When the bills have received Royal Assent, the Speaker and parliamentarians return in procession to the House of Commons and the Speaker announces that the Governor General or Deputy has been pleased to give assent to these bills in Her Majesty's name.



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After Royal Assent, note that the Act is published in the Canada Gazette so that Canadians are made aware of it.

A bill may or may not come into force immediately following Royal Assent. The provisions of the bill sometimes specify that it will not come into effect until the date set by proclamation. This is a further step in which the Governor in Council proclaims the bill law.

Discussion Question

1. Why do you think this formal step exists?