



Making New Laws: Legislation

In Canada, laws can be created by both the Federal and Provincial governments. These laws are called 'statutes' or 'acts', for example the Divorce Act. Acts set out rules for society to follow or they may provide the legal basis for some other government action. This publication focuses on the process at the Federal level, acts created by Parliament.

Acts begin their lives as 'bills'. A bill must pass through stages before it becomes law. The following is a basic summary of the stages in the parliamentary phase of the legislative process for public bills (the process may change slightly from time to time).

Introduction and First Reading

Bills are introduced in either the Senate or the House of Commons (most bills are introduced first in the House of Commons so that is the process we will discuss). A bill is not actually read aloud during the 'reading' of it. This stage consists of a clerk announcing the 'first reading of the bill'. A motion is then put forward that the bill be 'read' a second time. Once the motion is adopted, the bill is printed and distributed to the members of Parliament and is also made available to the public.

Second Reading

At this stage the principle of the bill and its broad purposes are fully debated. This is usually a lengthy process involving a number of different speakers on the bill.

Committee Study

Once the second reading is completed, the bill is usually referred to the standing committee that deals with the subject of the bill. The committee may hear witnesses or receive reports on the bill. They study it clause by clause and may make changes.

Report Stage

At this stage the committee reports the bill including any changes it made back to the House of Commons. This is the last opportunity for the members to propose amendments to the bill. Amendments are always debated and voted on. Once proceedings have concluded, a motion is put forward to concur or agree to the bill. Once the motion is adopted the bill moves on to its third reading.

Third Reading

This involves a review of the bill in its final form. Debate at this stage is much shorter than at the second reading. No amendments are possible at this stage.



Consideration by the Senate

Once the bill has had three readings in the House of Commons it is sent to the Senate to be read, studied, debated and voted on. Any amendments made by the Senate must be confirmed by a vote of the House of Commons. If the two sides disagree on an amendment, a conference is held where attempts are made to resolve the conflict. If the disagreement is not resolved the bill is defeated. If the disagreement is resolved, the bill moves on to the final stage.

Royal Assent

Once a bill has been passed by both the House of Commons and the Senate it is ready for Royal Assent. This formal ceremony is presided over by the Governor General of Canada or a deputy Governor General (Judge of the Supreme Court of Canada). Representatives of both the House of Commons and the Senate attend the ceremony which is held in the Senate Chamber. The title of the bill is read aloud and the Governor General, or deputy indicates Royal Assent with a nod of the head.

Royal Assent has the effect of bringing an Act into force unless the Act itself states that it is to come into effect on some other date. Once an Act is brought into force it becomes a part of the law.

The process outlined above is very simplified. Making laws through legislation can be quite a complicated process. For more information please visit the government of Canada website at: www.canada.justice.gc.ca.

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