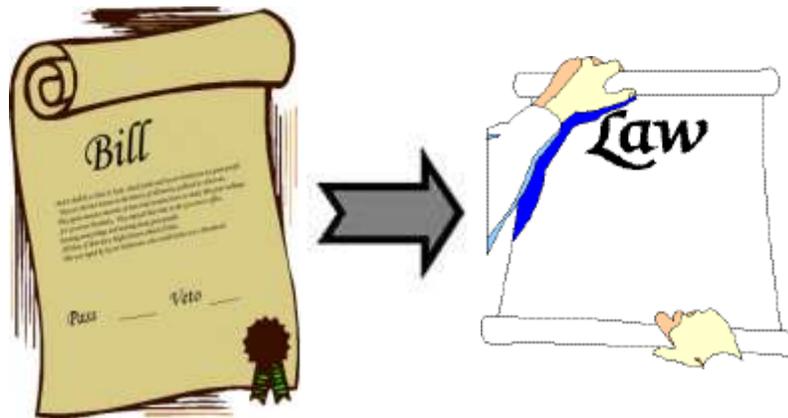


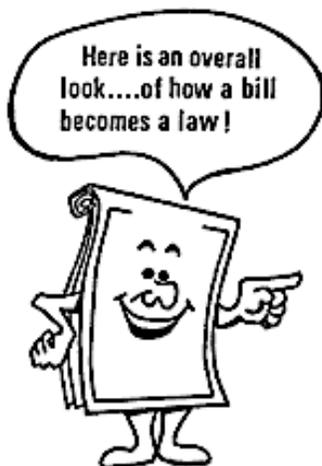
Passing Legislation in Canada



"Wherever Law ends or is not well written, Tyranny and Injustice begin." - *John Locke (English Political Philosopher)*

Within Canada, we have three levels of government that can pass laws: federal, provincial, and municipal. While the federal and provincial governments have the power to pass actual laws, municipalities can only pass by-laws, which apply only to that city. You cannot go to jail for breaking a by-law, like you can for breaking a federal or provincial law, but you can be fined up to several thousand dollars, depending on the offense and the city in which you offend. Today, we will be looking at the three branches of government and how they pass laws.

FEDERAL GOVERNMENT



When you fly in an airplane, visit a national park or buy a product in a store, you are doing something that has been touched by a law made in Parliament. An idea to make a new law or to change an existing law starts out as a "bill." Each bill goes through several stages to become law. At first reading, the bill is considered and read for the first time and is printed. There is no debate. At second reading, Members debate the principle of a bill. Is the idea behind it sound?

Does it meet people's needs? If a bill passes at second reading, it goes to a



committee of the House.

Committee members study the bill carefully. They hold hearings to gather information. They can ask government officials and experts to come and answer questions. The committee can propose amendments, or changes, to the bill.

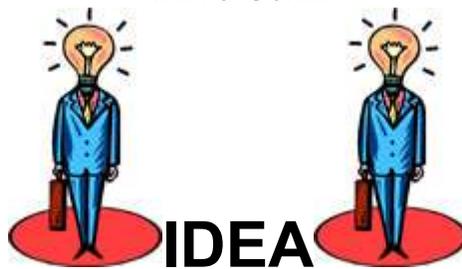
When a committee has finished its study, it reports the bill back to the House. The entire House can then debate it. During report stage debate, Members can suggest other amendments to the bill.

Once the report stage is over, the bill is called for third reading and debate. Members who voted for the bill at second reading may sometimes change their minds at the third reading after seeing what amendments have or have not been made to the bill. After a bill has passed third reading in the House of Commons, it goes through a similar process in the Senate. Once both Chambers pass the bill, it is given Royal Assent and becomes law. The Governor General or a deputy gives the bill Royal Assent.

Provincial Government

Passing legislation at the provincial level is very similar to process that takes place at in the federal government. Each province will have a very slightly different process for bringing a bill into law, so we will take a look at the process that takes place in Ontario.

Government Administrators
Party Policy
Royal Commissions
Individual or Interest Group
Minister's Initiative
Advisory Bodies
will have an...



which leads to the first step in the legislative process



Pre-Legislative Stage

Arguably, the pre-legislative stages outlined below are more important to the fate of a proposal than the formal legislative process. This is because strong party discipline and the tendency of the electoral system to produce majority governments combine to create a solid and predictable block of support for government initiatives. The largest constraint on the passage of government bills by the legislature is time, not the ability of opposition parties to defeat legislative proposals. As a result, the most critical moments in the life of a bill often occur in the pre-legislative stages, where there are many opportunities for a proposal to be defeated, to be significantly amended, or to be given too low a priority to continue its journey to the legislature.



First Reading

Bill is introduced in the House and given First Reading and put on the agenda (Orders and Notices Paper) of the Assembly.

Minister may make statement or explanation of purposes of Bill.

First Reading is decided without amendment to the text of the Bill and without debate.

Compendium of background information is supplied to Opposition Parties.

Bill is printed and distributed.



Second Reading

debate on principle of the Bill

each Member may make one speech only and Minister may make closing speech

no amendments to text of Bill at this stage

before Second Reading debate begins, Bill may be ordered referred to a Standing Committee for review and/or hearings and after debate concludes, Speaker puts question on the motion for Second Reading

if Bill is given Second Reading, it may, by unanimous consent, be ordered for Third Reading; otherwise, Bill is referred to Committee of the Whole House or a Standing or Select Committee as designated by the Minister or Parliamentary Assistant

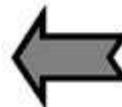
if 8 or more Members require that the Bill be referred to a Standing or Select Committee, the Minister designates the Committee

Order for Second Reading Discharged and Bill Referred To Standing Committee

before Second Reading debate begins, Bill may be ordered referred to a Standing Committee for review and/or hearings

as the principle of the Bill has not yet been adopted, the Committee's consideration may be wide ranging

when the Bill is reported to the House it is ordered for Second Reading





Select or Standing Committee

purpose is to comment on, ask questions about and/or propose amendments to various sections of the Bill

proceedings are less formal than in House and members may speak more than once

Committee may invite individuals, groups and Ministry officials to comment on the Bill in writing or in person before the Committee

Committee may travel to various locations in the province to receive public comment or to view a situation first hand

following public submissions, Bill is considered clause by clause. Each clause of the Bill may be considered, amended or deleted, and new clauses may be added

Bill is reported back to House after completion of clause-by-clause consideration

if amendments have been made, Bill is reprinted

when Committee reports Bill to the House, Bill is ordered for Third Reading unless Minister or Parliamentary Assistant directs that it be referred to Committee of the Whole House

Committee of the Whole House

purpose is to comment on, ask questions about and/or propose amendments to various sections of Bill

proceedings are conducted in the Legislative Chamber but are less formal than under House rules and members may speak more than once. All Members of the Assembly are members of Committee of the Whole House

Bill is considered clause by clause. Each clause of the Bill may be considered, amended or deleted, and new clauses may be added

individuals and groups cannot participate in the proceedings

Ministry officials may sit on the floor of the Chamber to provide advice to Minister

if amendments have been made, Bill is reprinted

when Committee of the Whole House reports Bill to House, Bill is ordered for Third Reading



Third Reading

debate is more restricted than at Second Reading and is limited to the contents of the Bill

no amendments to text of the Bill may be moved at this stage

after debate concludes, Speaker puts question on the motion for Third Reading



Royal Assent

Bill is presented to the Lieutenant Governor for assent

Lieutenant Governor assents to Bill in the Queen's name (the power of the Lieutenant Governor to withhold assent or reserve assent has fallen into disuse)

when Bill is given Royal Assent it becomes an Act and is given a statute number and is reprinted



In Force

statute is in force:

upon Royal Assent, or

when it is proclaimed by the Lieutenant Governor (by and with the advice of the Executive Council of Ontario), or

on a day specified in the Act and different sections may come into force at different times

Municipal Government

Sometimes referred to as local government (which also includes boards and agencies such as school boards and health units), municipal government is the level of government below the provincial government. Canada's constitution gives the Ontario government, and the country's other provincial and territorial governments, the authority over municipal affairs.

In Ontario, the Municipal Act is one of approximately 150 provincial acts, which set out the powers, duties and structures of the province's 445 municipalities.

While the services provided by municipalities vary, for the most part they include garbage collection and/or disposal, fire, police, water and sewage, local roads, transit and accessibility.

Municipal Councils

Regardless of size, all municipalities are governed by a council elected by the citizens of the municipality.

At the municipal level, laws are passed by a council through a simple majority vote.

The role of councillors, as defined by provincial legislation, includes:

- Representing their constituents at council -- for example, defending a neighbourhood decision to retain a park and not allow development
- Representing their municipality and their constituents at community events
- Developing and supporting policies that guide the services provided by the municipality

- Passing laws, known at the municipal level as by-laws, such as parking and noise by-laws to regulate the actions of people and businesses in the municipality
- Sitting on council committees such as the waste management or the budget committee
- Deciding on what services and level of service the municipality should offer and how to pay for them, within the parameters of provincial legislation
- Working with other agencies involved in similar issues like housing, social services, environment and transportation

By-laws

By-laws are rules and regulations governing a municipality. Municipal councils pass municipal by-laws which can affect the local community, such as the number of parking spaces designated for use by people with disabilities.

Budgets: Finding the Money to Deliver the Services

Municipalities raise money in three main ways: property taxes, fees and charges (i.e. licenses), and transfer payments from the provincial and federal governments. The councils decide on the priorities for the year and how they are going to pay for such activities and services. During the municipal budget process, citizen input is encouraged through a combination of public meetings, committee participation and council meetings.

Developing Policy

A policy is a plan or statement that embraces identified goals and sets the direction and/or a course of action to achieve those goals.

Developing an effective and comprehensive policy includes:

- Problem identification -- asking the policy question, "What do we want to achieve?"
- Priority setting – where the issue gets placed on the political agenda to be addressed among competing issues
- Policy formulation and design – where policy goals are established
- Passage of policy instruments – the stage where approval is received from staff and council for implementing the policy instruments
- Implementation – this stage activates the policy by delivering the services, programs or funding identified

Council Approves Policies, Staff Carry Them Out

Once council has approved a policy it is the responsibility of the municipal administration (the chief administrative officer, the city clerks, standing and executive committees, corporate services and other departments) to put it into action. Municipal staff includes many different professions and experts including engineers, planners, librarians, electricians, computer technicians, social workers, and a wide range of administrative staff who may include, but are not limited to, treasurers, tax collectors, accountants and receptionists. In addition, some staff, such as the Ontario Provincial Police and nurses, may not be considered municipal staff, but work closely with municipalities.