



# LEGISLATIVE PROCESS

## INTRODUCTION

The consideration of bills is one of the main parliamentary functions of the Senate. A bill is a proposed law that becomes an act of Parliament if adopted in identical form by both the Senate and the House of Commons and then given Royal Assent.

Bills typically go through the following steps before being adopted by the Senate:

- first reading
- second reading
- committee stage
- report stage (only if amendments or a recommendation not to proceed are proposed)
- third reading

This note contains information on bills, as well as each stage of the legislative process in the Senate.

## TYPES OF BILLS

### *PUBLIC AND PRIVATE BILLS*

There are two types of bills: public bills and private bills. Public bills are those that relate to matters of public policy. Private bills, in contrast, confer particular powers, benefits or exemptions upon a specific person or group of persons. Common examples of private bills are those that seek to incorporate a private company or to amend existing acts of incorporation. A private bill is based on a petition from the group or person asking for the passage of the legislation. Private bills are now rare, so this note focuses on public bills.

### ***GOVERNMENT AND NON-GOVERNMENT BILLS***

Public bills fall into two categories: government bills or non-government bills. A government bill is initiated by the government and can, with a few exceptions, be introduced in either the Senate or the House of Commons. In the Senate, these bills may be introduced by the Leader or Deputy Leader of the Government. A non-government bill is one introduced by a parliamentarian who is not acting on behalf of the government.

Of the total number of bills considered by the Senate, the vast majority are public bills. Out of these bills, on average approximately 60% are government bills and 40% are non-government bills.

### ***APPROPRIATIONS AND TAXATION BILLS***

Bills that propose an expenditure of public funds (appropriation) and those that impose a new tax or increase an existing one must originate in the House of Commons. They cannot be initiated in the Senate.

### **SPONSOR AND CRITIC**

Each bill, whether it originates in the Senate or House of Commons, is sponsored by a senator. This senator is responsible for guiding the bill through the different stages of the legislative process. Typically, the sponsor is the first one to speak during debate on the bill.

A critic is also designated for each bill. The critic is usually opposed to the bill and is often the second senator to speak, in response to the sponsor's speech.

### **INTRODUCTION AND FIRST READING OF BILLS IN THE SENATE**

The purpose of the introduction and first reading of a bill is to give senators the opportunity to acquaint themselves with the content of the proposed legislation prior to any debate taking place on the bill. All senators have the right to introduce a bill for consideration by the Senate, and no advance notice is required.<sup>1</sup> Upon introduction, the bill is immediately read a first time. This formally puts the bill before the Senate. It is also at that moment that the bill receives a number and becomes publicly available. No debate is permitted on a bill at the first reading stage.<sup>2</sup>

In general, bills are introduced and read for the first time during Routine Proceedings. For example, a Senate government bill is introduced by the Government Leader or Deputy Leader when the Speaker calls for "Introduction and

First Reading of Government Bills” while a Senate public bill is introduced by the sponsoring senator when “Introduction and First Reading of Senate Public Bills” is called. Similar opportunities are provided during Routine Proceedings for Commons Public Bills and Private Bills.

The procedure followed when a bill is introduced in the Senate is as follows. First, the senator introducing the bill (the sponsor) will say: “Honourable senators, I have the honour to introduce a bill intituled [long title of bill].” A clerk at the table will announce that the bill has been read the first time. The Speaker will then ask: “When shall this bill be read a second time?” Since two days’ notice is required for second reading of a bill, the sponsor of the bill will say: “I move that this bill be placed on the Orders of the Day for second reading two days hence.”<sup>3</sup> The Speaker will repeat the motion, identifying a seconder, and put the question. This motion is not debatable, which means that the Senate must immediately take a decision.

Bills originating in and passed by the House of Commons, whether they are government bills or non-government bills, are sent to the Senate by the Clerk of the House of Commons. If a government bill is received from the House of Commons, the Speaker will, upon calling the item “Introduction and First Reading of Government Bills,” inform the Senate that a message has been received from the House of Commons with a bill and then reads the message. At that point, the same procedure as described previously for the first reading of bills applies. A similar procedure is followed with respect to non-government public bills passed by the House of Commons, with the Speaker reading the message under the heading “First Reading of Commons Public Bills.”

Sometimes, bills passed by the House of Commons arrive in the Senate after the time set aside for Routine Proceedings. When this occurs, the Speaker will wait for an appropriate time to read the message.<sup>4</sup> A motion is then moved to place the bill on the Orders of the Day.

After a bill has been read the first time in either house, it is made available electronically on LEGISinfo (<https://www.parl.ca/LegisInfo>), a parliamentary website which provides up-to-date information on all bills introduced in the Senate and the House of Commons.

## **SECOND READING DEBATE**

The purpose of the second reading stage is to give senators an opportunity to debate the principle of a bill.<sup>5</sup> Debate at second reading occurs once the sponsor of the bill has moved a motion for second reading. It is often at this stage that the most substantial debate on a bill takes place.

When the order concerning a bill at second reading is reached, a table officer will call “No. [order number corresponding to the bill on the Order Paper] - Bill [bill

number]”. The sponsor of the bill will then move that the bill be read a second time and, in most cases, begin their remarks. Both the sponsor and critic are permitted to speak for a maximum of 45 minutes, including any time taken for questions from other senators that they accept at the end of their intervention.<sup>6</sup> The Leader of the Government and the Leader of the Opposition have unlimited speaking time, while the leaders and facilitators of other recognized parties or recognized parliamentary groups have up to 45 minutes.<sup>7</sup> All other senators may speak for a maximum of 15 minutes.<sup>8</sup>

Only three types of amendments may be moved at this stage: a hoist amendment, a reasoned amendment, and the referral of the subject matter of the bill to a committee.<sup>9</sup> Both the hoist and reasoned amendments, if adopted, have the effect of killing the bill immediately. The amendment to refer the subject matter of the bill to committee does not, in the Senate, have the effect of killing the bill.

The senator who has moved second reading of a bill has the right of final reply. This means that, if that senator chooses, they may participate in the debate a second time.<sup>10</sup> In this case, the Speaker will inform the Senate that if the senator speaks again, their speech will have the effect of closing the debate. Any senator who has not yet participated in the debate and wishes to do so will then be given the opportunity to speak or adjourn the debate.

Once the debate has ended, the Speaker will put the question. If the motion is adopted, a clerk at the table will say: “Second reading of this bill,” signifying the completion of this stage of the legislative process.

## **DETAILED STUDY IN COMMITTEE**

Although a bill may proceed directly to third reading after it has received second reading in the Senate, normal practice is to refer the bill to a committee for study. The purpose of this stage is to allow for a more detailed study of a bill than is possible during Senate proceedings, and to hear witnesses on the bill.

The Senate has established a number of standing committees on various policy fields, and bills are usually referred to the one most relevant to the subject matter of the bill. However, the Rules provide that a bill may be referred to any committee, including a Committee of the Whole (which is a committee composed of all senators).<sup>11</sup> The motion to refer a bill to a committee is not debatable.<sup>12</sup> The Rules require that the committee report the bill back to the Senate, but do not set a time limit.<sup>13</sup> A specific date for completing the study of a bill or reporting it back to the Senate may be set by the adoption of a motion in the committee or in the Senate.

A committee will normally invite as its first witnesses on a government bill the minister responsible for the bill or the minister’s parliamentary secretary, as well as departmental officials. In the case of a non-government bill, the sponsor usually

appears first before the committee. Depending on the nature of the bill, a committee may also invite other interested and knowledgeable individuals or groups to present their views. In some cases, the committee may invite the minister or departmental officials to return to provide additional explanations or to respond to testimony given by other witnesses.

After hearing witnesses, the committee will proceed to a clause-by-clause study of the bill. At this stage, amendments to the bill may be proposed, but only by members of the committee. Since practices in committee remain generally informal, individual clauses are not always called separately during clause-by-clause study. Instead, a committee may have a general discussion on the bill, after which the chair will seek the approval of the committee for all the clauses of the bill and the title, calling in order only those clauses for which amendments are proposed. If, however, a committee member insists on dealing with each clause separately, the committee must proceed in that fashion.<sup>14</sup> The committee then adopts the bill with or without amendment and asks the chair to report the bill back to the Senate.

## REPORT STAGE

The purpose of the report stage of a bill, if it occurs, is for the Senate to consider the results of the committee's study and any amendment recommended by the committee. Once a committee has finished its consideration of a bill, it must report it back to the Senate. The committee has three options. It may:

- 1) report the bill without amendment;
- 2) report the bill with amendment(s); or
- 3) recommend, with reasons, that the Senate not proceed further with the bill.<sup>15</sup>

A committee may also choose to append observations to its report, whether the bill is reported back with or without amendments. The purpose of observations is to draw attention to elements of the bill or related policy, or to put some views or opinions on the record. However, these observations are not a substantive part of the committee report and have no procedural significance. Furthermore, the Senate does not make a decision on the observations contained in a report.<sup>16</sup>

When the heading "Presenting or Tabling Reports from Committees" is called during Routine Proceedings, the chair of the committee or a senator that they designated will inform the Senate that they have the honour to present the committee's report on the bill. The report is then read by a clerk at the table. If the report does not contain amendments, it is deemed adopted by the Senate and the senator sponsoring the bill will move that the bill be read a third time at the next sitting of the Senate.<sup>17</sup> In other words, there is no report stage for a bill that is

reported to the Senate without amendment. If the bill is reported with amendment(s), or if the committee recommends that the bill not be proceeded with, the report must be considered by the Senate. The Speaker will therefore ask when the report shall be taken into consideration. The chair or senator presenting the report will then propose that it be considered at the next sitting (or in two days in the case of a report from a special committee).<sup>18</sup>

When a committee report recommending amendments is called, the chair or their designate will move that the report be adopted and must explain the purpose and effect of each amendment.<sup>19</sup> Debate can then continue, and amendments to the report may be proposed, although this is rare. The Senate must decide whether or not to adopt a report before it can move to the next step of the legislative process, third reading of the bill. If the report is adopted, the Speaker will ask when the bill, as amended, shall be read a third time. The sponsor of the bill will move that it be read a third time, as amended, at the next sitting, and the Speaker will put the question.<sup>20</sup> This motion is not debatable. If a committee report recommending amendments to a bill is rejected by the Senate, the amendments are also defeated and the sponsor of the bill will move that the bill, in its original form, be placed on the Orders of the Day for third reading at the next sitting.<sup>21</sup> If a report recommending that the bill not proceed any further is adopted, consideration of the bill ends.<sup>22</sup>

### **THIRD READING**

Third reading is the final stage in the consideration of the bill as a whole. Amendments similar to those permitted at second reading can be proposed, and amendments to clauses may be also be moved at this stage.<sup>23</sup> When the motion for third reading has been adopted by the Senate, a clerk at the table will announce that the bill has been read the third time. The Speaker will then direct that a message be sent to the House of Commons to inform it of the Senate's decision.

If the Senate adopts a Commons bill with amendments, it must send the bill back to the House of Commons with the amendments so that they can be considered. When disagreements occur between the two houses on the amendments, messages are exchanged between them until they reach an agreement on an identical version of the bill. The bill can then proceed to the last stage of the legislative process, Royal Assent.

### **ROYAL ASSENT**

In order for a bill to become law, it must receive Royal Assent. Royal Assent is the signification of the Sovereign's acceptance of a bill. It is granted by the Governor General or by one of the deputies of the Governor General (a Justice of

the Supreme Court or a senior official such as the Secretary to the Governor General).

Royal Assent can be granted in one of two ways: either by a traditional ceremony held in the Senate Chamber or by written declaration. The basic steps in either form are that the bills are presented to the Governor General or the deputy, and a formal request for Royal Assent is made. The Governor General or deputy then signifies assent by a nod of the head (in the case of a traditional ceremony) or by signing a written declaration. If Royal Assent is given by written declaration, it is not deemed to have been given until both the Senate and the House of Commons have been informed.

### **PRE-STUDY OF LEGISLATION**

The *Rules of the Senate* allow the Senate to examine the subject matter of a bill while it is still before the House of Commons, which is commonly referred to as a pre-study.<sup>24</sup> The bill must have been given first reading in the House of Commons but not yet have been passed by that house. The pre-study allows the subject matter of the bill to be referred to a Senate committee for general review, as opposed to a clause-by-clause study. After being adopted by the House of Commons, the bill must still be sent to the Senate and go through the various stages of the legislative process, but it is usually passed in a shorter time frame.

**FOR ADDITIONAL INFORMATION ON THE LEGISLATIVE PROCESS**

[Senate Procedure in Practice](#) (Chapter 7)

**FOR ADDITIONAL INFORMATION ON OTHER POINTS COVERED IN THIS NOTE**

[Senate Procedural Note No. 2, Order of Business of Sitings](#)

[Senate Procedural Note No. 3, Debate](#)

[Senate Procedural Note No. 6, Royal Assent](#)

[Senate Procedural Note No. 8, Committee of the Whole](#)

[Senate Procedural Note No. 9, The Speaker of the Senate](#)

[Senate Procedural Note No. 15, Supply Process](#)

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**References**

<sup>1</sup> Rule 5-7(j).

<sup>2</sup> Rule 10-3.

<sup>3</sup> Rule 5-6(1)(f).

<sup>4</sup> Rule 16-2(2).

<sup>5</sup> Rule 10-4.

<sup>6</sup> Rules 6-3(1)(b) and 6-3(1)(c).

<sup>7</sup> Rule 6-3(1)(a).

<sup>8</sup> Rule 6-3(1)(d).

<sup>9</sup> For more information, see *Senate Procedure and Practice*, June 2015, pp. 132-134.

<sup>10</sup> Rule 6-12.

<sup>11</sup> Rule 12-8(1).

<sup>12</sup> Rules 5-8(1) and 5-8(3).

<sup>13</sup> Rule 12-22(1).

<sup>14</sup> Rule 12-20(4).

<sup>15</sup> Rule 12-22(5).

<sup>16</sup> See Speaker's Rulings in *Journals of the Senate*, December 11, 2002, pp. 412-413 and October 30, 2006, pp. 669-670. See also *Senate Procedure and Practice*, June 2015, p. 147.

<sup>17</sup> Rules 5-5(b) and 12-22(2).

<sup>18</sup> Rules 5-5(f), 5-6(1)(e), 12-22(3) and 12-22(4).

<sup>19</sup> Rules 12-22(1), 12-22(3), 12-22(4) and 12-22(6).

<sup>20</sup> Rule 5-5(b).

<sup>21</sup> Rule 5-5(b).

<sup>22</sup> Rule 12-22(5).

<sup>23</sup> Rule 10-5.

<sup>24</sup> Rule 10-11.