INTRODUCTION

One of the main functions of the Senate is the consideration of bills. 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

The following pages explain each of the stages 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. Private bills are based on petitions from the group or person who desire the passage of the legislation. Private bills are now rare, so this note focuses on public bills.
**GOVERNMENT AND NON-GOVERNMENT BILLS**

Public bills are classified as either government bills or non-government bills. A government bill is initiated by the government and can be introduced in either the Senate or the House of Commons, with a few exceptions. In the Senate, government 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 start 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. Any senator has the right to present a bill for consideration by the Senate, and no advance notice is required. 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 bill number and becomes publicly available. No debate is permitted on a bill at the first reading stage.

In general, bills are introduced and receive their first reading at the appropriate time during Routine Proceedings. For example, if a Senate
government bill is introduced, it will be presented by the Government Leader or Deputy Leader when the Speaker calls for “Introduction and First Reading of Government Bills.” A Senate public bill would be introduced by the sponsoring senator when “Introduction and First Reading of Senate Public Bills” is called. There are also similar opportunities during Routine Proceedings for Commons Public Bills and Private Bills.

When a bill is initiated in the Senate, the following procedure is used. First, the senator introducing the bill (the sponsor) will say: “Honourable senators, I have the honour to introduce a bill intitled [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.” 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 decide.

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 has been 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 to the chamber. At this point, the same procedure is used for the first reading of all bills as described above. A similar procedure is followed in respect of non-government public bills passed by the House of Commons, with the Speaker reading the message under the heading of “First Reading of Commons Public Bills.”

Sometimes, bills passed by the House of Commons arrive after Routine Proceedings have been completed. When this occurs, the Speaker will wait until an appropriate time before reading the message to the Senate. A motion will then be proposed 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. It is also at that point that the bill is, in some cases, printed.

SECOND READING DEBATE

The purpose of the second reading stage is to give senators an opportunity to debate the principle of a bill. Debate at the second reading stage occurs after the sponsor of the bill has moved a motion for second reading. It is often the most substantial debate that takes place on a bill.
When the Order of the Day concerning a bill at second reading is reached, a table officer will call “Second reading of Bill…” The sponsor of the bill will propose that the bill be read a second time. Both the sponsor and the critic are permitted to speak for a maximum of 45 minutes, including any time taken for questions from other senators that they may permit during their remarks. The Leader of the Government and the Leader of the Opposition have unlimited speaking time, while the leader or facilitator of another recognized party or recognized parliamentary group has up to 45 minutes. All other senators may speak for a maximum of 15 minutes.

Only three types of amendments may be moved at this stage: a hoist amendment, a reasoned amendment, and the referral of the subject matter to a committee. 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.

A senator who has moved second reading has the right of final reply. This means that, if that senator chooses, he or she may rise to participate in the debate for a second time. In such instances, the Speaker will inform the Senate that, if the senator speaks again, his or her speech will have the effect of closing the debate. Other senators who have not yet participated in the debate and wish to do so will then be given the opportunity to speak or adjourn the debate.

At the end of debate, the Speaker will then 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.

**CONSIDERATION IN DETAIL - COMMITTEE STAGE**

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 the committee 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). The motion to refer a bill to a committee is not debatable. The Rules require that the committee report the bill back to the Senate, but do not set a time limit. 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, and 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.

Once a committee has finished hearing witnesses, it will proceed to a clause-by-clause study of the bill. It is at this stage that amendments may be proposed to the bill, but only by members of the committee. Since practices in committee remain generally informal, during clause-by-clause study, individual clauses are not always called separately. 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 where amendments are proposed. If, however, a committee member insists on dealing with each clause separately, the committee must proceed in that fashion. The committee then adopts the bill with or without amendment and asks the chair to report the bill back to the Senate.

When reporting a bill to the Senate, a committee has three options:

1) it may report the bill without amendment;
2) it may report the bill with amendment(s); or
3) it may, with reasons, recommend that the Senate not proceed further with the bill.

If the committee recommends that the bill be amended, the report to the Senate must contain the amendments and the senator presenting the report, typically the chair of the committee, must explain reasons for and effect of the amendments. 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, any such observations are not a substantive part of the committee report and they have no procedural significance. Furthermore, the Senate does not decide on the observations contained in a report.

**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 work and any amendments that the
committee is recommending. Once a committee has finished its consideration of a bill, it must report it back to the Senate. This is done during Routine Proceedings, under the item “Presenting or Tabling Reports from Committees”. The chair, or a senator designated by the chair, will inform the Senate that he or she has the honour to present the committee’s report on the bill. The report is then read by a clerk at the table.

Once a committee report on a bill has been presented, one of two things will occur. If the bill was reported without amendment, the report will be 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.\textsuperscript{18} 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 recommended 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 in turn will propose that it be considered at the next sitting (or in two days if it is a report from a special committee).\textsuperscript{19}

When a committee report recommending amendments is called, the chair or his or her designate will move that the report be adopted. It is at this point that the reasons for and effect of the amendments are explained. Debate then continues, and further 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 propose that it be read a third time, as amended, at the next sitting, and the Speaker will put the question.\textsuperscript{20} This motion is not debatable. If a committee report recommending amendments to a bill is rejected by the Senate, the amendments are 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.\textsuperscript{21} If a report recommending that the bill not proceed is adopted, consideration of the bill ends.\textsuperscript{22}

**THIRD READING**

Third reading is the final stage in the consideration of the bill as a whole. Amendments similar to those moved at second reading may again be proposed, and amendments to clauses may be also be moved at this stage.\textsuperscript{23} 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 that house of the Senate’s decision.

If the Senate passes a bill that originated in the House of Commons with
amendments, it must be sent back to the Commons so that they may also consider the amendments. When disagreements occur between the two houses on the content of the bill, 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 in 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. Royal Assent is granted by the Governor General or by one of the deputies of the Governor General (a Justice of the Supreme Court, or senior officials 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 either a nod of the head during a traditional ceremony or by signing a written declaration. When the written declaration procedure is used, Royal Assent is only deemed to have been given after both the Senate and the House of Commons have been informed that Royal Assent was granted to the bill(s).

**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. The bill must have been given first reading in the House of Commons but not yet have been passed by that house. The procedure 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. The bill must still come to the Senate to pass through the three readings after it has been adopted by the House of Commons, but it is usually adopted in a shorter period of time. The procedure is commonly referred to as pre-study.
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 Sittings
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

References

1 Rule 5-7(j).
2 Rule 10-3.
3 Rule 5-6(1)(f).
4 Rule 16-2(2).
5 Rule 10-4.
6 Rules 6-3(1)(b) and 6-3(1)(c).
7 Rule 6-3(1)(a).
8 Rule 6-3(1)(c).
9 For more information on these amendments, see Senate Procedure and Practice, June 2015, pp. 132-134.
10 Rule 6-12.
11 Rule 12-8(1).
12 Rules 5-8(1) and 5-8(3).
13 Rule 12-23(1).
14 Rule 12-20(3).
15 Rule 12-23(5).
16 Rules 12-23(1), 12-23(3), 12-23(4) and 12-23(6).
18 Rules 5-5(b) and 12-23(2).
19 Rules 5-5(f), 5-6(1)(e), 12-23(3) and 12-23(4).
20 Rule 5-5(b).
21 Rule 5-5(b).
22 Rule 12-23(5).
23 Rule 10-5.
24 Rule 10-11.