



THE PROCESS OF A BILL IN ONTARIO

“The less people know about how laws and sausages are made,
the better they'll sleep at night.”

Attributed to

Otto Eduard Leopold, Prince von Bismarck
Chancellor of Germany



ACKNOWLEDGMENT

Carolyn Barnes

Research Librarian (ret.)

Virtually everything I know about the progress of legislation through the Ontario Legislature, I learned from the extremely knowledgeable, and very patient, Carolyn Barnes. Much of the information I will present today was prepared by Carolyn. If you learn anything, it will be thanks to her. If there are any errors or omissions, they are mine.

Weasel Words

The information in this seminar is provided as a convenience only and should not be relied on as authoritative. The authoritative source of procedural information and advice concerning the Ontario and other Legislatures is the Office of the Clerk of the Legislative Assembly of Ontario. The staff of the Office of the Clerk have the necessary expertise to respond fully to such questions. Thus, for an authoritative response to any specific question, reference should be made to that Office.

Thank-you.



ONTARIO BILLS

The Standing Orders of the Legislative Assembly of Ontario

Standing Orders

- Civil procedure for legislators
- No history of the amendments available

Precedents

- Case law for legislators
- No index to precedents available



ONTARIO BILLS

What is a Bill?

- A proposed law
- It may create an entirely new law(s)
(ex. Bill 20, 38/2, *Frederick Banting Homestead Preservation Act*)
- It may amend or repeal an existing law(s)
(ex. Bill 62, 38/2, *Election Statute Law Amendment Act*)
- It may do a combination of both
(ex. Bill 14, 38/2, *Access to Justice Act*)



ONTARIO BILLS

In Ontario there are two categories of Bills:

- Public
 - Relates to matters of public policy
 - Usually has general application over entire province
- Private
 - Grants particular powers, benefits or exemptions from general law
 - To specific person or body of persons, including individuals, local authorities, private corporations



ONTARIO BILLS

Within the Public Bills category are three sub-types:

- Government Bills
- Private Member's Public Bills
- Committee Bills

There is only one variety of Private (Pr) Bill

- All Public Bills require three Readings in order to pass and become a statute
- Private Bills also require three Readings, but the process differs sufficiently that we will deal with them separately



PRIVATE (Pr) BILLS

General Overview

- Pre-legislative Stages
- Introduction and 1st Reading
- Committee consideration (Mandatory – Regulations and Private Bills)
- Debate and 2nd Reading
- Committee consideration (Possible, not mandatory – Whole House)
- Debate and 3rd Reading
- Royal Assent



PRIVATE (Pr) BILLS

Pre-legislative Stages

IDEA!

- Individual, group or corporation desires special power or exemption from the general law

(ex. authorizing a municipality to pass a by-law exempting a specified property from municipal taxes. See the *Ronald McDonald House (Hamilton) Act*, S.O. 2006, c. Pr2)



PRIVATE (Pr) BILLS

Pre-legislative Stages

Drafting the Bill

- Bill is drafted by applicant
- Office of Legislative Counsel may provide assistance in drafting and revision of bill
- Legislative Counsel may circulate the draft Bill to appropriate Ministries for comment



PRIVATE (Pr) BILLS

Pre-legislative Stages

Publication of Notice

- Applicant publishes notice of application once a week, for 4 weeks in:
 - The *Ontario Gazette*; and
 - At least one newspaper circulated in the area most affected by the bill.
- Notice must state that interested parties who wish to make submissions should notify the Clerk of the Legislative Assembly.



PRIVATE (Pr) BILLS

Pre-legislative Stages

Application

- Applicant applies for private bill by filing with the Clerk of the Legislative Assembly:
 - Copy of draft bill (Legislative Counsel will review and comment on the bill)
 - \$150 fee (Applicant will also be billed later for printing costs)
 - Declaration proving publication of Notice in *Ontario Gazette* and newspaper(s)
 - Compendium of background information
 - Name of Member who is to introduce the Bill



PRIVATE (Pr) BILLS

Legislative Stages

First Reading

- The Bill must be introduced by a Private Member, ie. a Member who is not a Cabinet Minister
 - Individual applicants usually ask their local Member to introduce the Bill
 - Corporations will ask the Member for the riding in which the head office is located
- After 1st Reading the bill is generally referred to Standing Committee on Regulations and Private Bills
- In certain cases, specified in the *Standing Orders*, the Bill may be referred to the Ontario Municipal Board or Commissioners of Estate Bills



PRIVATE (Pr) BILLS

Legislative Stages

Standing Committee on Regulations and Private Bills

- The committee may meet and deal with the Bill after giving 5 days notice of meeting
- The applicant, their counsel, and anyone who has informed the Clerk of the Legislative Assembly of their wish to attend, may address the committee
- If amended, the Bill is reprinted
- The committee *may* report the Bill back to the House



PRIVATE (Pr) BILLS

Legislative Stages

Second Reading

- There may be debate on the motion for 2nd Reading, but this is unusual
- Private bills are usually given 3rd Reading immediately after 2nd Reading
- In exceptional cases the House may order that the Bill be referred to the Committee of the Whole House or defer 3rd Reading debate to a later date



PRIVATE (Pr) BILLS

Legislative Stages

Third Reading & Royal Assent

- There *may* be debate on the motion for 3rd Reading, but this is very unusual
- If the Bill is given 3rd Reading, it will be presented to the Lieutenant Governor for Royal Assent (the power to withhold, or reserve, assent has fallen into disuse)
- When Bill is given Royal Assent it becomes an Act and is given a statute number (in the form of Pr1, Pr2, etc.) and is reprinted



PUBLIC BILLS

General Overview

Three sub-types of public bills:

- Government Bills
- Private Member's Public Bills
- Committee Bills

Legislative Stages:

- Pre-legislative
- Introduction and 1st Reading
- Committee consideration (Possible, not mandatory)
- Debate and 2nd Reading
- Committee consideration (Possible, not mandatory)
- Committee consideration (Possible, not mandatory)
- Debate and 3rd Reading
- Royal Assent



PUBLIC BILLS

Pre-legislative Stages

Government Bills

IDEA!

- Derived from Party platform, lobby group, public pressure, etc.
- Priorities and Planning Board of Cabinet (PPB)
 - Determines if idea will be pursued
 - Ministry instructed to prepare Cabinet Submission
- Cabinet submission
 - Reviewed by Cabinet policy committees and PPB
 - Referred to full Cabinet for review and decision
- Cabinet review and approval of policy in principle
 - Instructions to Ministry for action to effect policy



PUBLIC BILLS

Pre-legislative Stages

Government Bills

(continued)

- Management Board of Cabinet
 - Reviews for financial and personal implications
- Legislative Counsel
 - Drafts legislation and/or regulations
- Legislation and Regulations Committee of Cabinet
 - Reviews draft legislation/regulations
- Final Cabinet approval of policy and legislation
- Party caucus informed
- Minister introduces legislation in Legislature



PUBLIC BILLS

Pre-legislative Stages

Private Member's Public Bills

IDEA!

- May come from Member, caucus, constituent, lobby group
- Subject matter must be within Provincial jurisdiction
- May not impose a tax or specifically spend public funds
- Usually reviewed by caucus prior to introduction
- Legislative Counsel may assist in drafting Bill



PUBLIC BILLS

Pre-legislative Stages

Committee Bills

- Authorized by Standing Order 124
- Only General Government or Justice & Social Policy may generate (current Legislature has split latter into two – Justice and Social)

IDEA!

Once per Session, each Member may propose topic for investigation

- Topic:
 - Must be within committee's policy area
 - Requires approval of 2/3 of Committee members
 - Subject to available time (consideration of government public Bills will usually take precedence)
 - May result in report to House and/or draft bill



PUBLIC BILLS

Pre-legislative Stages

Committee Bills

(continued)

Committee hearings:

- Committees appear to prepare draft Bill prior to hearings
- Proceedings are less formal. Members may speak more than once
- May invite public, interested parties, to comment on the Idea/Bill
- Receive submissions, question witnesses, obtain information
- Following submissions, will consider Bill clause-by-clause
- Adoption of report or Bill is by simple majority
- Report back to House and/or introduce Bill



PUBLIC BILLS

Legislative Stages

First Reading

Generally

- No debate is permitted
- No amendments permitted
- Public bills must be introduced, and enacted, in both English and French
- Bill automatically ordered for 2nd Reading
- Order for 2nd Reading *may* be discharged and Bill referred to a Standing Committee
- Bill is printed



PUBLIC BILLS

Legislative Stages

First Reading

Government Bills

- Sponsored by a member the Ontario legislature who is also a member of the Executive Council of Ontario (aka a member of the “cabinet”, or “Minister”)
- Minister may make statement regarding purpose of Bill.
- Opposition may respond
- Compendium of background information is usually tabled with Bill
- Money Bills require recommendation of Lieutenant Governor



PUBLIC BILLS

Legislative Stages

First Reading

Private Member's Public Bills

- Sponsored by a member of the Ontario legislature who is ***NOT*** a member of the Executive Council of Ontario (aka a government “backbencher” or member of the opposition)
- Member may make statement regarding purpose of Bill



PUBLIC BILLS

Legislative Stages

First Reading

Committee Bills

- Sponsored by the Chair of the committee from which the Bill originates
- Other committee members who support Bill may be noted on Bill as secondary sponsors
- Member who introduces Bill may make statement regarding its purpose



PUBLIC BILLS

Legislative Stages

Committee (First)

Generally

- Before start of 2nd Reading debate the order for 2nd Reading *may* be discharged and Bill ordered to a Standing Committee for review and/or hearings
- As Bill has not yet been adopted in principle the Committee's consideration may be wide ranging
- Committee may amend the Bill
- When the Bill is reported back to the House it is ordered for 2nd Reading



PUBLIC BILLS

Legislative Stages

Second Reading

Generally

- Debate is limited to the principle of the Bill
- Each Member may make only one speech (Member moving 2nd reading may speak twice, once to open debate and again to close debate)
- No amendments permitted
- Following 2nd reading Bill *may* (with unanimous consent) be ordered for 3rd reading. Otherwise the Bill *must* be referred to the Committee of the Whole House or a Standing, or Select, Committee



PUBLIC BILLS

Legislative Stages

Second Reading

Government Bills

- Any Member may speak to Bill
- Debate may be adjourned from time to time
- Minister or PA will designate the type of committee (Whole House, Standing or Select) to which the Bill will be assigned *but*, if 8 or more Members require it, the Bill *must* be referred to a Standing or Select Committee. Minister or PA will designate which committee



PUBLIC BILLS

Legislative Stages

Second Reading

Private Member Public Bills

- Limited number of Members may speak to Bill
- 1 hour of debate (up to 10 min. for Sponsor, 15 min. for each recognized party, 5 min. for any independent Member and 2 min. reply for Sponsor)
- Debate may *not* be adjourned
- Bill automatically referred to the Committee of the Whole House *unless* a majority of the Members in the House, at the time, agree to the request of Sponsor that Bill be referred to Standing or Select Committee



PUBLIC BILLS

Legislative Stages

Second Reading

Committee Bills

- Any Member may speak to Bill
- Debate may be adjourned from time to time
- Bill automatically referred to the Committee of the Whole House *unless* a majority of the Members in the House, at the time, agree to the request of Sponsor that Bill be referred to Standing or Select Committee



PUBLIC BILLS

Legislative Stages

Committee (Standing or Select)

Generally

- Proceedings are less formal. Members may speak more than once
- May invite public to comment on Bill. Committee may travel to various locations to facilitate public participation
- Purpose is to receive submissions, question witnesses, propose amendments to Bill
- Following submissions, will consider Bill clause-by-clause
- Report Bill back to House
- If amended, Bill is reprinted
- Once reported, Bill is ordered for 3rd Reading *unless* Minister directs it be referred to Committee of the Whole House



PUBLIC BILLS

Legislative Stages

Committee (Whole House)

Generally

- Proceedings are conducted in the Legislative Chamber but are less formal. Members may speak more than once
- Individuals and groups do *not* participate in the proceedings, but Ministry and other staff may attend to provide advice, respond to questions, etc.
- Purpose is to comment on, ask questions about and/or propose amendments to various sections of the Bill
- Bill is considered clause by clause. Each clause may be amended or deleted. New clauses may be added
- If amended, Bill is reprinted
- If the Committee reports the Bill to the House the Bill will be ordered for 3rd Reading



PUBLIC BILLS

Legislative Stages

Committee (Whole House)

Legislature (Session)	35/2	35/3	36/1	36/2	36/3	37/1	37/2	37/3	37/4	38/1	38/2
Bills Referred	19	46	28 (3)	6	2	8	3	8	0	2	1
Bills Reported	13	26	11 (1)	3	2	1	0	2	0	0	0



PUBLIC BILLS

Legislative Stages

Third Reading & Royal Assent

- Debate is more restricted than at 2nd Reading. Members may only discuss contents of Bill, not principles or general policy
- No amendments are permitted
- Upon 3rd Reading the Bill is sent to Lieutenant Governor
- Lieutenant Governor assents to Bill in the Queen's name (the power of the Lieutenant Governor to withhold assent, or reserve assent, is generally accepted to have fallen into disuse)
- Upon assent, Bill becomes an Act and is given a statute number and is reprinted



PUBLIC BILLS

Legislative Stages

In Force

- Four methods
 - Royal Assent
 - Specified date (either retroactive or prospective)
 - Proclamation
 - Silence
- Bill may use any, all, or a combination of, the methods
- In force provisions may be found anywhere in the Bill



PUBLIC BILLS

Summary

When Do Bills Proceed?

(and Why)

Government and Committee Bills

- Depends upon government priorities (limited legislative time)
- Majority governments decide on their own (mostly)
- Minority governments need agreement of Opposition

Private Member Public Bills

- Order determined by ballot
- Members can switch their places in the order



PUBLIC BILLS

Summary

How Long Can They Debate?

Government and Committee Bills

- 1st Reading:
 - Brief explanation of purpose by Minister or Member introducing
 - Ministerial statement segment of routine proceedings often used
 - If so, opposition may respond (5 min. for each recognized party)
- 2nd Reading:
 - 1st speaker for each recognized Party – 60 min.
 - Subsequent speakers – 20 min.
 - Questions & comments – 4 Members (2 min. each) + 2 min. reply
- 3rd Reading:
 - Same as for 2nd Reading
- After 7 hours of debate, speakers limited to 10 min. each
- Time allocation motions (once rare, now more common)



PUBLIC BILLS

Summary

How Long Can They Debate? (continued)

Private Member Public Bills

- 1st Reading:
 - Brief explanation of purpose
- 2nd Reading:
 - Thursdays 10 AM to noon
 - 10 min. for opening statement by sponsor
 - 15 min. for each recognized party
 - 5 min. for any independent Member
 - 2 min. for reply by sponsor
- 3rd Reading:
 - Same as Government and Committee Bills but usually brief



ALL ONTARIO BILLS

What Happens When Bills Don't Progress?

At Prorogation:

- Bills that have not received 3rd reading at the time a Session is prorogued either:
 - Die on the Order Paper, or
 - Are rolled over to the next Session

At Dissolution:

- All Bills that have not received 3rd Reading die on the Order Paper



ALL ONTARIO BILLS

Orders? ... Orders?

We don't need no Standing Orders!

- Legislature makes the rules (i.e. Standing Orders)
- Legislature can ignore the rules (with unanimous consent)



HANDOUT

How Does a Bill Become Law in Ontario?

Public Bills

Government Bills

Pre-Legislative Stages

<http://www.ontario.ca/library/bills/resources/preleg.pdf>

How a Government Bill Becomes Law

<http://www.ontario.ca/library/bills/resources/govbill.pdf>

Private Member Bills

How a Private Member's Public Bill Becomes Law

<http://www.ontario.ca/library/bills/resources/pmbill.pdf>

Committee Bills

How a Committee Bill Becomes Law

<http://www.ontario.ca/library/bills/resources/combill.pdf>

Private (Pr) Bills

How a Private Bill Becomes Law

<http://www.ontario.ca/library/bills/resources/prbill.pdf>

Procedures for Applying for Private Legislation

<http://www.ontario.ca/committees/regulations.htm#provinc>

When (and How) Do Bills Come Into Force In Ontario?

When do Ontario Acts and Regulations Come Into Force?

Research Paper B31

http://www.ontario.ca/library/bills/resources/rp_b31.pdf

What Governs the Progress of Legislation In Ontario?

The Standing Orders of the Legislative Assembly of Ontario

http://www.ontario.ca/documents/standing_orders/index.htm

How Can You Track the Progress of Bills in Ontario?

Public Bills

38th Legislature, 2nd Session

Public Bills Index

http://www.ontario.ca/documents/Bills/38_Parliament/Session2/index.htm

Previous Sessions

Bills Before the House

<http://www.ontario.ca/library/bills/bills/home.htm>

Private Bills

Public Bills Index (private bills are listed after the public bills)

<http://www.ontario.ca/documents/bills/index.htm>

How Can I Find Out What Has Been, or Will Be Happening:

In the Legislature?

Current Day

Orders and Notices Paper

http://www.ontario.ca/documents/Orders/38_Parliament/Session_2/index.htm

Previous Days

Votes and Proceedings

http://www.ontario.ca/documents/Votes/38_Parliament/Session_2/index.htm

In Committees?

Current Week (see links to Weekly Notice and/or Monthly Calendar)

<http://www.ontario.ca/committees/index.htm>



Visit Our Intranet Home Page at <http://library.ola.org/home.asp>

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How Can I Find Out What Has Been Said:

In the Legislature?

Hansard (for daily issues see links to House Debates)

<http://www.ontario.ca/hansard/index.htm>

Hansard (search engine)

<http://hansard/index.ontario.ca/hansard.asp>

Hansard Subject/Speaker Index (see links to House Index)

<http://www.ontario.ca/hansard/index.htm>

In Committees?

Committee Hansard (for daily issues see links to Committee Debates)

<http://www.ontario.ca/hansard/index.htm>

Committee Hansard (search engine)

NOT YET AVAILABLE

Committee Subject/Speaker Index (see links to Committee Index)

<http://www.ontario.ca/hansard/index.htm>

What Do All Those Funny Words Mean?

Glossary of Parliamentary Terms

http://www.ontario.ca/Slide_bar/glossary/out/index.htm

Additional Sources on Parliamentary Procedure and Practice

Beauchesne, Arthur, Alistair Fraser, John A. Holtby and W. F. Dawson. *Beauchesne's rules & forms of the House of Commons of Canada with annotations, comments and precedents*. 6th ed. Toronto: Carswell, 1989.

Marleau, Robert and Camille Montpell. *House of Commons procedure and practice*. Ottawa: House of Commons; Montreal: Chenelière/McGraw-Hill, 2000.

McKay, W. R. and Frank Grammer, ed. *Erskine May's treatise on the law, privileges, proceedings, and usage of Parliament*. 23rd ed. London: Butterworths, 2004.

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