

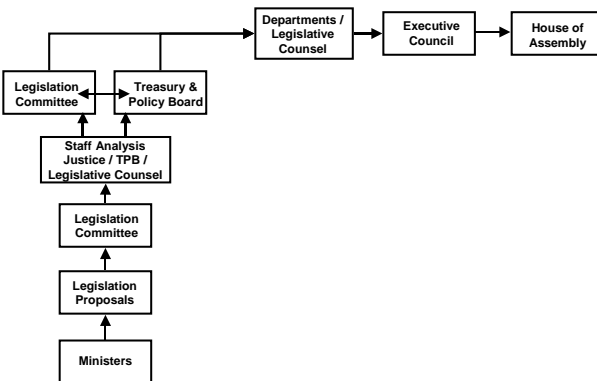
Appendix 3-A

How Legislation is Prepared and Enacted

Legislative proposals are processed through the Executive Council's legislation committee. The legislation committee is responsible for reviewing proposed legislation for policy compliance, ensuring a coordinated and comprehensive legislative regime, recommending the legislative agenda to Executive Council, and identifying document needs to support proposed legislation.

The membership of the legislation committee comprises such members of the Executive Council or the Government Caucus as the President of the Executive Council may determine. The President of the Executive Council shall appoint a member of the legislation committee to be Chair of the Committee. The Premier and Deputy Premier are *ex-officio* members of all Committees of the Executive Council. The Deputy to the Premier, the Secretary to the Executive Council and the Chief of Staff to the Premier are *ex-officio* staff members of all Committees of the Executive Council. Those members of the legislation committee who are not Executive Council members shall sign an Oath of Confidentiality.

Decision Making Process – Legislation Proposals



This chart illustrates how the decision-making process works for legislative proposals. Prior to each legislative session, the legislation committee makes a call for legislative proposals to all departments. For each legislative proposal, the department submits a Request for Legislation signed by the Minister and Deputy Minister in the form prescribed by the legislation committee. The legislation committee considers each Request for Legislation and determines whether to approve the Request for drafting for the upcoming session. Once a request is approved for drafting, a lawyer in the Office of Legislative Counsel is

assigned to the file and working with the Department, a draft bill is prepared. The draft bill then goes back to the legislation committee for approval and finally to the government caucus for approval.

Once the legislation committee determines the list of government legislative priorities for the legislative session, the list is forwarded to Executive Council for approval. The legislation committee then sets the schedule for introduction of government bills.

The legislative agenda is tabled in the House of Assembly, and each bill goes through a process of three readings and debate.¹

¹See *The Nova Scotia Legislature: An Overview of Its Practices and Procedures*, December 2001 pp. 11-20. Information respecting the House of Assembly is available on the website at <<http://www.gov.ns.ca/legislature>>.

First Reading

The first stage in the legislative process is the introduction of a bill in the House of Assembly by a member of the Assembly. During the daily routine with which each day in the House begins, under the item "Introduction of Bills," a member wishing to introduce a bill, upon recognition by the Speaker, rises to introduce "a bill entitled (title of bill)." Unless the bill is ruled out of order (for example, only a minister of the Crown may introduce a money bill), the bill is assigned a number by the Clerk of the Assembly, is printed and distributed to all the members, and is placed on the order paper under the heading bills "For Second Reading." A bill may not be introduced unless it has been approved as to form by the Legislative Counsel. The stamp and signature of the Legislative Counsel appears on the cover of the original bill. The pro forma bill introduced at the opening of each session is not assigned a number, is not placed on the order paper, and is not dealt with further. The annual appropriations bill has its own special procedure.

Second Reading

The next stage is for the bill to be called for second reading. Except by unanimous consent, second reading may not begin until the bill has been printed and distributed to the members and this has been signified on the order paper. The second reading debate is a debate on the principle of the bill. No amendments may be made to the bill at this stage.

Standing Committees

If the bill is passed at the second reading, it is automatically referred by the Speaker to either the Law Amendments Committee or the Private and Local Bills Committee. Government bills and private member's bills are referred to the Law Amendments Committee and private bills and local bills are referred to the Private and Local Bills Committee. The two standing committees hold public hearings on the bills referred to them. Each committee considers all written and oral submissions made to it. In the case of a government bill, the Law Amendments Committee may also receive, after the public hearings have concluded, a written recommendation from the minister of the Crown who introduced the bill. The committee decides upon any changes to the bill that it wishes to recommend to the House of Assembly and the chair of the committee reports the bill back to the House or, infrequently, the committee decides not to report the bill back. The bill may be reprinted at this stage, showing the changes recommended by the committee.

Committee of the Whole House on Bills

Upon a bill being reported back to the House of Assembly by a standing committee, it is automatically committed to the Committee of the Whole House on Bills. The committee subsequently considers the bill clause by clause. In doing so, the Committee of the Whole considers any changes recommended by the Law Amendments Committee or the Private and Local Bills Committee, as the case may be, and makes any changes to the bill it wishes to make, whether or not recommended by the standing committee that considered the bill. The Committee of the Whole may then report the bill back to the House.

Upon a bill being reported back to the House of Assembly by the Committee of the Whole House on Bills, the bill is placed on the order paper under the heading bills "For Third Reading."

Third Reading

The next stage is for the bill to be called for third reading. Unless the House of Assembly orders third reading to begin immediately, third reading takes place on a future day (after being reported back). The third reading debate is a debate on the principle of the bill as recommended by the Committee of the Whole House on Bills. No substantive amendments are normally made to the bill at this stage, but the bill may be recommitted to the Committee of the Whole House on Bills or to another committee.

Royal Assent

After a bill has passed three readings, it receives Royal Assent from the Lieutenant Governor (or, if the Governor is unavailable, from the Administrator of the Province). This is usually done in a short ceremony in the House of Assembly chamber on the last day of the sitting.

Effective Date

A statute may provide that all or part of it comes into force by proclamation or on a specified date. Proclamations are made by the Governor in Council (the Executive Council acting with the advice and consent of the Lieutenant Governor). At the request of the Minister/department responsible, the Office of the Legislative Counsel prepares the Report and Recommendation to Cabinet for proclamation of legislation and sends it back to the department. The department is responsible for submitting the Report and Recommendation to Executive Council with the supporting briefing note and communications plan.