

3.1.2 The Legislature

The federal legislative authority is vested in the Parliament of Canada consisting of the Queen, an upper house called the Senate, and the House of Commons. Bills may originate in either the Senate or the House, subject to the provisions of Section 53 of the British North America (BNA) Act, 1867, which provides that bills for the appropriation of any part of the public revenue or the imposition of any tax or impost shall originate in the House of Commons. Bills must pass both Houses and receive Royal Assent before becoming law. In practice, most public bills originate in the House of Commons although, at the request of the government, more have recently been introduced in the Senate in order that bills may be dealt with there while the Commons is engaged in other matters such as the debate on the Speech from the Throne. Private bills usually originate in the Senate. The Senate may delay, amend or even refuse to pass bills sent to it from the Commons, but differences are usually settled without serious conflict.

Section 91 of the BNA Acts, 1867 to 1964, assigns to the Parliament of Canada legislative authority in very clearly specified areas. These are discussed in detail in Chapter 2.

Under Section 95, the Parliament of Canada may make laws in relation to agriculture and immigration concurrently with provincial legislatures although federal legislation is paramount in the event of conflict. An amendment to the BNA Act in 1951 (Br. Stat. 1950-51, c.32) authorized the Parliament of Canada to make laws in relation to old age pensions in Canada subject to the proviso that no such law should affect the operation of any provincial laws in relation to old age pensions. By the BNA Act, 1964 this amendment was extended to permit the payment of supplementary benefits, including survivors and disability benefits irrespective of age, under a contributory pension plan.

The passage of legislation. If a bill is introduced in the House of Commons and approved there, it is then introduced in the Senate and follows a similar procedure. If a bill is first introduced in the Senate, the reverse procedure is followed. There are three types of bills: public bills introduced by the government; public bills introduced by private members of Parliament; and private bills introduced by private members of Parliament. Each type is treated in a slightly different manner, and there are even differences in procedure when the House deals with government bills introduced pursuant to "supply" and "ways and means" motions on the one hand, and other government bills on the other. The following outline describes the procedure for a government bill introduced in the House of Commons.

The sponsoring Minister gives notice that he intends to introduce a bill on a given subject. Not less than 48 hours later he moves for leave to introduce the bill and that the bill be given first reading. This is granted automatically because this first step does not imply approval of any sort and it is only after first reading that the bill is ordered printed for distribution to the members.

At a later sitting the Minister moves that the bill be given second reading and that it be referred to an appropriate committee of the House of Commons. A favourable vote on the motion for second reading represents approval of the bill in principle so there is often an extensive debate, which, according to the procedures of the House of Commons, must be confined to the principle of the bill. The debate culminates in a vote which, if favourable, results in the bill being referred to the appropriate committee of the House, where it is given clause-by-clause consideration.

At the committee stage, expert witnesses and interested parties may be invited to give testimony pertaining to the bill, and the proceedings may cover many weeks.

The House committee then prepares a report which it submits to the House of Commons which must then decide whether to accept the committee's report, including any amendments that the committee has made to the bill. At the report stage any member may, on giving 24 hours notice, move an amendment to the bill, and all such amendments are debated and are usually put to a vote. Following that, a motion "that the bill be concurred in" or "that the bill, as amended, be concurred in", is put to the vote.

Following this report stage, the Minister moves that the bill be given third reading and passage. Debate of this motion is limited to whether the bill should be given third reading. Amendments are permitted at this stage but they must be of a general nature, similar to those allowed on second reading. If the vote is favourable, the bill is then introduced in the Senate where it goes through a somewhat similar process. Since each House has its own rules of