



## **The Saskatchewan Legislation Process**

*The Saskatchewan Massage Profession is currently in the stage of a consultation document. All of the stakeholders have had the opportunity to view the draft proposal and comment. In the case of this bill twenty-six health regulated healthcare groups, Saskatchewan Massage Therapy Schools, and other Massage Therapy Associations. Their responses will be compiled and go forward to the Legislation and Regulation Committee. This Committee will determine if this bill goes forward.*

### **How Laws are Made**

Legislative bodies such as the federal parliament, the provincial Legislative Assembly, or a city council can make laws that apply to Saskatchewan. The laws made by Canada's parliament or the provincial legislative assemblies are called statutes, which in Latin means "it is decided."

### **Role of the Legislative Assembly**

For 65 days spread out over two periods in the fall and spring, Members of the Legislative Assembly of Saskatchewan meet for a session of the legislature. It is during these sessions that government is held responsible for its actions and policies. The business of government is announced in a Throne Speech, taxing and spending approvals are requested through the presentation of a budget, and laws are passed through the consideration of Bills.

### **Drafting and printing a Bill** *(We will be looking at a public bill)*

Before a proposed law can be considered by the Assembly, it must be prepared and printed as a Bill. There are two types of Bills: Private Bills and public Bills.

A private Bill originates as a petition from a group of citizens and is sponsored by a Member of the Legislative Assembly who is not a cabinet minister. This type of Bill affects only a small number of people.

Bills that affect the entire province are known as public Bills and are usually introduced by a cabinet minister. However, public Bills are sometimes proposed by a member of the Assembly who acts on his or her own initiative, and not as part of the government's legislative agenda. These private members' public Bills are drafted and printed by the Law Clerk of the Assembly working closely with the sponsoring member. It is the Law Clerk's job to see that all Bills come before the Assembly in proper form.

An important parliamentary principle is that Bills proposed by private members cannot require the government to levy a tax or spend money. Only a member who is a cabinet minister, having

first obtained the Lieutenant Governor's royal recommendation, may sponsor a so-called money Bill.

The majority of public Bills are brought forward by the government. They are prepared by a legal draftsman from the legislative drafting branch in the Ministry of Justice who works closely with the Bill's sponsoring minister and the minister's officials. Sometimes representatives of the people most affected by measures proposed in the Bill are consulted. Frequently the government caucus, which consists of all members on the government side of the House, will review the Bill during the drafting stage as well. Once a final draft has been agreed to, the Bill is printed in a form suitable for the consideration of the Legislative Assembly.

### **Stages of a Bill**

The Saskatchewan Legislative Assembly process of passing a Bill into law is based on the British parliamentary process: introduction and first reading, second reading, committee stage, third reading, and royal assent. A reading of a Bill refers to a time in British parliamentary history when printing was not common (and most Members could not read or write in any event), so it was necessary to inform parliament of the contents of a Bill by having it read aloud by the Clerk. Today the reason for passing each Bill through several readings, or stages, is to ensure thorough consideration and sufficient time for the public to be made aware of the content of the legislation. A brief description of each stage follows.

### **Introduction and first reading of a Bill**

The member sponsoring the Bill rises from his or her seat when the Speaker calls the Bill for introduction. The member then moves that the Bill be now introduced and read for the first time. If the motion is adopted, the contents of the Bill are made public by distributing printed copies to the members and by posting the Bill to the Assembly's website. The sponsoring member at this point has the option of proposing a motion to refer the Bill to a committee to conduct public hearings on the subject matter of the proposed law. Once the committee has concluded its consideration, it will report the Bill and any recommendations to back to the Assembly.

### **Second reading debate**

The second reading stage is dedicated to a debate on the principles of the Bill. This stage is commenced by the sponsoring member speaking to the purposes and reasons for the Bill. Other members of the Assembly then join the debate in turn. If the Bill is sponsored by a minister, the opposition member responsible for criticizing the policy contained in the Bill is usually the first to respond. When no more members wish to speak for or against the Bill, the Assembly will vote either to agree with the principle of the Bill and grant it second reading or to disagree with it and defeat the Bill. If second reading is granted, the Bill will be referred to a committee of the Assembly.

### **Review by a committee**

A detailed examination of the Bill's content is undertaken as the minister responsible for the Bill and his officials appear before the committee to answer questions posed by committee members. The committee will then consider each clause of the Bill in order, along with any

amendments that may be proposed. When each clause is finally adopted, the Bill is reported back to the Assembly.

The rules of the Assembly provide for each Bill to be considered by both a small seven-member policy field committee and a large 57-member Committee of the Whole. Consideration in either of these forums may be waived if all members of the Assembly are in agreement. The rules also permit a policy field committee to hold public hearings on a Bill, provided that hearings were not previously held after first reading and that the scope of the hearings is restricted to the content of the Bill.

### **Third reading and passage**

A Bill at third reading may be commented upon and criticized one final time, but the debate centres upon the effects of the Bill if passed.

### **Royal assent**

Once a Bill has passed third reading, the Lieutenant Governor, acting on behalf of the monarch, is asked by the Speaker to give royal assent. This completes the enactment of the Bill, which is now called an Act. The Act in its final form is assigned a chapter number and then printed and bound as part of the *Statutes of Saskatchewan* under the year in which the legislative session was held.

### **Coming into force** *(This is where the regulations to legislation may come in)*

If there are no stipulations in the Act as to when it is to come into force, it becomes law upon royal assent. Sometimes an Act specifies that it will come into force on a date specified in the Act, or that it is to come into force upon proclamation of the Lieutenant Governor. If an Act is subject to proclamation, the Lieutenant Governor issues an order in council proclaiming the Act in force as of a certain date. The choosing of this date is usually dependent upon the sponsoring ministry having completed the steps necessary for the administration and enforcement of the Act, while allowing enough time for those affected by the Act to have time to prepare for its implementation.