

A Guide to
Legislation and Legislative Process
in British Columbia

PART 1

THE LEGISLATIVE PROCESS

PREPARED BY:

Office of Legislative Counsel
Ministry of Justice
Province of British Columbia

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PART 1 – THE LEGISLATIVE PROCESS

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PART 1

THE LEGISLATIVE PROCESS

The legislative process involves a number of different stages and a number of different people, all with a single goal—to create legislation that gives legal effect to government policy in a form that clearly communicates the policy to those who are required to obey it and to those who are required to administer it.

There are 3 requirements to meet that goal:

- (1) a fully considered and formulated policy;
- (2) a precisely and clearly worded text;
- (3) a thorough review and assessment of the text by the Legislative Assembly.

These 3 requirements form the framework for the stages through which a government proposal must go before it becomes law.

Stage 1 – Policy development: In this stage, a problem or an initiative is identified, issues are analysed and options reviewed. If legislation is recommended, this stage will produce a formal submission to Cabinet requesting approval of the legislative proposal. If Cabinet approves the proposal, it will proceed to the second stage.

Stage 2 – Drafting the legislation: Legislative counsel and instructing officials from the sponsoring ministry work together to prepare legislation that implements the policy reflected in the approved Cabinet submission. If Cabinet approves the draft legislation, it will proceed to the third stage

Stage 3 – Enacting a law: The minister of the sponsoring ministry introduces the legislation as a government Bill for enactment by the Legislature. It is debated and, if passed by the Legislative Assembly, becomes law when it receives Royal Assent from the Lieutenant Governor.

Each of these stages is described separately in the following pages.

Stage 1 – The Creation of Legislative Policy

Policy development

Before pen is ever put to paper (or fingers are put to keyboard), enormous work must be done to refine the policy the government wishes to pursue.

The policy initiative may be in response to an issue identified by the ministry itself, by another minister or by outside parties, which parties may have actively lobbied the minister or ministry for the specific outcome being proposed. Whatever the source, policy is usually developed by the ministry that will be responsible for administering the resulting legislation.

A substantial amount of information must be gathered and assessed before the policy initiative can proceed to a proposal for legislation and the drafting stage. For example, ministry staff must determine the following:

- ◆ what specific outcome is required and why;
- ◆ whether legislation is in fact needed for that outcome;
- ◆ what legislation should be changed or created to give effect to that outcome;
- ◆ how the proposed policy will affect other legislative schemes both inside and outside the ministry;
- ◆ what successes or failures other jurisdictions may have had with similar policies and what can be learned from their experiences;
- ◆ what effect the proposed policy will have on interests inside and outside of government, and how those interests might react to the changes.

The analysis of that information must take account of the government planning context. This context can be found in

- ◆ the Budget and Fiscal Plan, and
- ◆ the Government Plans and Strategies, including Ministry Service Plans.

(Found on the British Columbia government website: www.gov.bc.ca; select *Government* from the header bar, then select *About the B.C. Government*.)

Together these plans set out government and ministry goals, objectives and strategies. When developing policy, these plans should be consulted for guidance.

If the policy initiative does result in a proposal for legislation, the proposal for legislation will be included in the sponsoring Ministry's 3-year legislative plan. Cabinet committees will select from the 3-year legislative plan those legislative proposals that are consistent with the Budget and Fiscal Plan and Government Plans and Strategies.

The Request for Legislation

If a ministry wishes to proceed with a legislative proposal that has been approved by a Cabinet committee, it will prepare a formal Cabinet submission known as a Request for Legislation (“RFL”).

An RFL must provide a thorough analysis of the issue and demonstrate a clear understanding of the proposed legislative solution and its potential effects.

The office of Cabinet Operations establishes form and content requirements for an RFL. Typically, an RFL must be submitted to Cabinet Operations with a policy review document (Three Column Document) and comprehensive Drafting Instructions [*discussed further below*], and must do the following:

- ◆ provide a summary of the proposed legislation and the issue or issues it is intended to address;
- ◆ give a brief legislative history;
- ◆ explain any previous Cabinet decisions respecting the matter;
- ◆ identify any legal opinions in respect of the proposed legislative change;
- ◆ identify any fiscal implications to government of the proposed legislation;
- ◆ describe the consultations that have already taken place, including the degree of agreement with the proposed initiative and dissenting views;
- ◆ identify any further consultations that are required;
- ◆ include advice to Cabinet of Treasury Board staff and legislative counsel [*discussed further below*].

The RFL should also identify any timing sensitivities that may affect when the legislation should be introduced or passed by the Legislative Assembly.

The policy review document (Three Column Document)

This document provides a high-level policy overview of the legislative proposal. As with the RFL, Cabinet Operations establishes form and content requirements for this document.

The document must do the following:

- ◆ describe the current legislative situation in relation to the matter;
- ◆ describe the proposed change;
- ◆ provide the ministry’s reasons for the change.

It does this in a 3-column format, hence the name.

When preparing the Three Column Document, it is important to remember that members of Cabinet committees who may have little knowledge of the subject area under consideration are the primary audience. They will require

sufficient information to understand the key policy changes or initiatives being proposed.

A simple amendment needs only a simple supporting document. A complex legislative proposal may require a much longer document. In either case, however, the document should set out plainly how and why the legislation is to be changed.

As an example of a simple supporting document, a proposed change to the composition of an advisory board might use the following:

Current	Proposed	Reasons
The maximum number of board members is 9, all of whom are appointed by the minister.	Increase the membership of the board from 9 to 12.	The increased membership will provide for better representation.

The RFL and the Three Column Document combined sets the parameters for all legislative drafting for an initiative.

Drafting instructions

Drafting instructions are provided with the RFL. Although similar to the Three Column Document in some ways, drafting instructions are far more detailed. For instance, a Three Column Document will state that a licensing scheme is being introduced. The drafting instructions will set out the specifics of the scheme: what, who, when, where, why, how, how much, under what conditions, and so forth.

If the proposed legislation is in response to a legal opinion or a court or tribunal decision, a copy of the opinion or decision should be included with the Drafting Instructions.

On the basis of these instructions, legislative counsel will provide advice to Cabinet [*discussed further below*].

[For information on effective drafting instructions, see Part 3 of this Guide: Guide to Preparing Drafting Instructions.]

Treasury Board staff and legislative counsel advice to Cabinet

Advice of Treasury Board staff and legislative counsel must be attached to each RFL when it is submitted to Cabinet.

Advice of Treasury Board staff

Treasury Board is a Cabinet committee that has statutory responsibility under the *Financial Administration Act* for government financial management. In addition to providing general support to this committee, Treasury Board staff within the Ministry of Finance review RFLs to assess their anticipated impact on the financial position of the Province.

Advice of legislative counsel

The Office of Legislative Counsel is part of the Ministry of Justice. It is responsible for drafting government Bills and regulations and for publication of enacted legislation. Legislative counsel advice on an RFL will include consideration of the following:

- ◆ whether legislation is necessary to effect the proposed changes;
- ◆ whether the drafting instructions provided with the RFL are sufficiently detailed to allow drafting to begin;
- ◆ whether the proposed legislation is major or minor in nature;
- ◆ whether there are any conflicts with existing legislation, any constitutional issues or any other legal concerns;
- ◆ how much drafting time will likely be required;
- ◆ the recommended form of Bill for the legislation.

Ministry solicitor assistance

RFLs must be prepared in consultation with the appropriate ministry solicitor.

Each ministry has available to it one or more of the solicitors within the Legal Services Branch of the Ministry of Justice (“ministry solicitor”). These solicitors provide to the sponsoring ministry legal advice, contractual drafting, litigation support and support in the development of legislation.

Because these solicitors provide day-to-day legal advice to their client ministry, they have significant knowledge of the business conducted by the ministry and the legal issues faced by it. Their knowledge of the client ministry and of the resources available in the Ministry of Justice is invaluable in the process of developing legislation.

Involving the ministry solicitor in the preparation of an RFL, or in developing policy for inclusion in an RFL, has numerous benefits:

- ◆ The ministry solicitor may be able to provide advice respecting the legal process and what it requires or, conversely, may be able to show that new legislation is not required to meet the policy objectives.
- ◆ The ministry solicitor is also able to provide advice respecting any additional legal analysis that may be necessary to determine the appropriate legislative solution to the problem, as well as to identify any issues, such as constitutional or privacy law concerns, which may affect the drafting of the legislation.
- ◆ Involvement of the ministry solicitor at this early stage allows the solicitor to become completely knowledgeable about the intentions of the ministry so that he or she will be better able to provide effective legal support in the drafting process and to provide effective advice to the client ministry after the legislation is enacted.

RFL approval process

When the RFL is completed, it must be signed by both the deputy minister and the sponsoring minister and submitted to Cabinet for review and approval. Cabinet Operations will review the RFLs to ensure that the required elements are included.

The RFL is then reviewed by one or more appropriate Cabinet committees. Cabinet committees review policies, programs and legislation and make policy recommendations to Cabinet. The depth of review at a committee meeting will depend on the complexity of the initiative. Simple housekeeping matters, for instance, will require only a short review, whereas more involved initiatives may require more than one appearance before a committee.

A committee review is intended to provide further policy direction to the ministry. Following a committee review, proposals may have to be modified or further policy developed.

Cabinet will determine whether the RFL is approved to proceed in the upcoming legislative session, and what priority it should be given in the drafting process. Following this determination, a record of the decision is sent to the minister, the deputy minister, the ministry's legislation contact and the Chief Legislative Counsel.

If approval is given, the proposal is expected to proceed in the Spring (February to May) session of the Legislative Assembly. Fall sessions, although common in recent years, are at the discretion of Cabinet and should not be assumed.

Stage 2 – Drafting the Legislation

The drafting process and the roles and responsibilities of the people involved in that process do not vary greatly from one legislative initiative to another. There will be some differences, however, depending on the individuals involved, the timelines for the project, and the length and complexity of the project.

Generally, each project has a drafting team consisting of the ministry's instructing officer, the ministry solicitor and the legislative counsel assigned to draft the legislation.

Instructing officers

Instructing officers are the link between the sponsoring ministry and the legislative drafter of the Bill. Ideally, there will be one instructing officer on any project, although in complex cases or in cases involving different bodies within the ministry or involving multiple ministries, more instructing officers may be required.

Instructing officers are responsible for doing the following:

- ◆ distilling the ministry's various goals and policy decisions into drafting instructions;
- ◆ providing those instructions to the drafter and conveying to the appropriate ministry personnel any comments and queries of the drafter;
- ◆ circulating drafts within the ministry and to other affected ministries and agencies;
- ◆ collating comments on the various drafts and funnelling them to the drafter;
- ◆ advising both the executive of the ministry and the minister respecting the content and effect of the Bill.

Experience has shown that the process works best if an instructing officer

- ◆ is a senior-level official in the client ministry and has ready access to the deputy minister and the minister,
- ◆ has the authority to make decisions or can obtain decisions quickly,
- ◆ was directly involved in the policy development that led to the legislative solution being proposed,
- ◆ has a good general knowledge of the subject matter of the proposal,
- ◆ is readily available to the drafter on an ongoing basis, and
- ◆ has an aptitude for analyzing legislation and ensuring that the draft accurately reflects the approved policy.

In addition to the instructing officer, a wide range of officials in the ministry may be involved behind the scenes in the preparation of a Bill to provide information to the instructing officers and to make policy decisions necessary for completion of the draft legislation.

Ministry solicitor

The ministry solicitor is a valuable member of the drafting team. Ministry solicitors bring the following expertise to the drafting process:

- ◆ a thorough understanding of the business and operation of the client ministry;
- ◆ significant knowledge of the law as it relates to that ministry;
- ◆ knowledge of the legal background to the legislative initiative;
- ◆ the ability to interpret and analyze legislation in light of rules of statutory interpretation and relevant court cases.

The ministry solicitor also coordinates with other solicitors in the Legal Services Branch for the purpose of receiving specialized legal advice in areas such as constitutional law, administrative law and privacy law.

Legislative counsel

The third member of the drafting team is the legislative counsel assigned as drafter. Drafting involves transforming government policy into a legislative form, so the drafter's primary objective is to prepare a Bill that will achieve government's goals. Legislative counsel are also required to balance this objective with the need to maintain coherent and consistent provincial legislation, fairness and the integrity of the legal system.

In addition to balancing these objectives, the drafter provides advice on a number of matters, such as the following:

- ◆ whether the proposed provisions achieve the intended goals;
- ◆ whether there are gaps in the proposal that need to be filled with additional details or whether it is better to leave matters to be dealt with through general provisions;
- ◆ the appropriate form of the provisions;
- ◆ the inclusion of certain types of provisions in the Bill.

Drafters also provide a sense of perspective. They bring a fresh eye to the issues involved, largely unencumbered by the policy analysis that has preceded the RFL, and thus can provide fresh insights into the solutions proposed.

Furthermore, drafters are attuned to the need for clarity and certainty in Acts. This need is addressed, in part, by the drafter's appropriate application of drafting conventions and attention to the rules and principles that have been applied by the courts in interpreting statutory language. The goals and challenges of legislative drafting are set out in more detail in Part 2 of this Guide (*Principles of Legislative Drafting*).

Legislative counsel assess the legislative proposal from a legal perspective and, with the ministry solicitor, are able to help ministry officials avoid provisions that might otherwise present legal problems.

Legislative counsel are assisted in their efforts by the legislative editors, who are part of the Publications team, and by other staff in the Office of Legislative Counsel. In addition to their many other duties, legislative editors

- ◆ check draft Bills for grammar and spelling,
- ◆ review the content of draft Bills for clarity, precision, consistency of language and the logical expression of ideas,
- ◆ ensure that draft amendments correctly reflect the statute being amended,
- ◆ recommend required consequential amendments, and
- ◆ ensure conformity with the rules and conventions governing the drafting and presentation of Bills.

Publications staff prepare the legislation for publication in the looseleaf edition of the statutes, the Annual Statutes, the Rules of Court and Related Enactments looseleaf. They also provide to staff at Queen's Printer the information necessary for electronic publication of the statutes on QPLegalEze and BC Laws websites.

[For information on statute publications, see Part 5 of this Guide: Statute Publication.]

Final policy review

Before an initiative is approved for introduction, the ministry may be asked to return to one or more Cabinet committees to describe any new policy issues that have arisen during the drafting process and how those issues have been resolved in the draft legislation.

Final review of the draft legislation

After the appropriate Cabinet committee is satisfied with the policy direction taken in the draft Bill, and once the draft legislation is complete, the sponsoring minister or delegate must sign a Certificate of Readiness to indicate that the ministry is satisfied that the draft gives effect to the policy objectives reflected in the RFL. The signed certificate must be returned to legislative counsel.

After receipt of the Certificate of Readiness, legislative counsel will provide the draft to Cabinet Operations, which will review the draft to ensure its consistency with

- ◆ the RFL, and
- ◆ any directions of Cabinet and its committees.

At the same time, the sponsoring ministry must provide Cabinet Operations with supporting materials, including the following:

- ◆ a briefing note that gives an overview of the legislation, including areas that may be controversial and the outcome of any consultations;
- ◆ section notes that describe each provision of the legislation and its purpose and effect (these notes will be used by the minister in debate on the Bill in the Legislative Assembly).

The draft will then be reviewed by another Cabinet committee dedicated to the review of draft legislation. This review is to

- ◆ ensure the draft's consistency with the policy approved earlier in the process, and
- ◆ ensure that drafting is clear and the implications of the draft legislation are understood.

The committee is composed of Cabinet members and members of the Legislative Assembly. They review each provision of the draft with the sponsoring minister, who is accompanied by the instructing officer, and often the deputy minister or other knowledgeable staff. Legislative counsel are also present to assist.

It is generally expected that most proposed legislation will have completed this review before the legislative session begins.

Bill preparation

If the draft legislation is approved for introduction in the Legislative Assembly, the Office of Legislative Counsel will prepare it in final Bill form. Depending on the content and size, the legislation will be prepared as

- ◆ a separate Bill (all new Acts are prepared in this way),
- ◆ a specific amending Bill,
- ◆ as part of a Ministry Statutes Amendment Act (amending a number of Acts that are the responsibility of a single minister), or
- ◆ as part of a Miscellaneous Statutes Amendment Act (amending a number of Acts that are the responsibility of more than one minister), which will be carried in the Legislative Assembly by the Attorney General.

The Bill will be signed by the Premier and the Lieutenant Governor, and printed by the Queen's Printer. Introduction of the Bill (First Reading) is coordinated by the Government House Leader in consultation with the Premier's office and the sponsoring minister.

Special budget legislation process

Proposals for legislation to be introduced as part of the annual Budget (such as changes to income tax, consumer taxes or tax credits or refunds) are initiated by the Minister of Finance. They are reviewed and finalized by the Treasury Board staff and other officials in the ministry. These officials provide drafting instructions directly to legislative counsel without any RFL or other approval process.

When a budget draft is finalized, the Minister of Finance provides legislative counsel with a signed Certificate of Readiness. The draft is then reviewed at a meeting involving staff from the ministry, Cabinet Operations and legislative counsel. After a final Cabinet-level review, budget Bills are prepared in the same manner as other legislation.

Stage 3 – Enactment of a Law

Types of Bills

A proposed Act placed before the Legislative Assembly is known as a Bill. Bills are classified as being either Public Bills or Private Bills:

- ◆ **Public Bills** propose to change the general law of the Province;
- ◆ **Private Bills** are limited in their application to a particular individual or organization, to provide them with additional powers or benefits or to relieve them from the application of the general law.

Public Bills are further divided into Government Bills and Members' Bills. The following describe the content, initiation process and identification of the different forms of Bills.

Public Bills – Government Bills

- ◆ **Content:** These Bills implement government policy and are drafted by legislative counsel.
- ◆ **Introduction:** They are presented to the Legislative Assembly by the responsible minister.
- ◆ **Numbering:** They are numbered consecutively for each legislative session, beginning with “Bill 2”. [*See below for a discussion of the special case of Bill 1.*]

Public Bills – Members' Bills

- ◆ **Content:** These Bills are prepared by an individual member of the Legislative Assembly or on an individual member's instruction and are almost always proposals by opposition members. They are drafted without assistance from legislative counsel. There are constitutional restrictions on Members' Bills: they cannot include appropriations, impose taxes or affect the Crown prerogative.
- ◆ **Introduction:** They are presented to the Legislative Assembly by the sponsoring member.
- ◆ **Numbering:** They are numbered consecutively for each legislative session, beginning with “Bill M 201”.

Private Bills

- ◆ **Content:** These Bills deal with matters of a private or local nature (for example, legislation establishing a charitable foundation and providing it with a property tax exemption).
- ◆ **Introduction:** They come to the Legislative Assembly through a petition process under the Standing Orders of the Legislative Assembly.

They are presented to the House by an individual member, usually a member of the government caucus. After introduction, they proceed through a special committee process established under the Standing Orders, although final reading is given in the Legislative Assembly itself.

- ◆ **Numbering:** They are numbered consecutively for each legislative session, beginning with “Bill Pr 401”.

Government Bills and legislative process

Government Bills are intended to implement policy that has been approved by Cabinet.

Generally, Government Bills are introduced with the expectation that they will be approved by the Legislative Assembly and become law. In relatively rare cases, a Government Bill may be introduced as an Exposure Bill. In this case, the Bill indicates proposed policy and is not intended for enactment in the current session (in parliamentary terms, it is intended to “die on the Order Paper”). By introducing an Exposure Bill, the government is providing interested people with an opportunity for input before a final Bill is re-introduced for enactment.

The process by which a Government Bill becomes law consists of the following steps:

- ◆ First Reading;
- ◆ Second Reading;
- ◆ Committee stage;
- ◆ Report Bill;
- ◆ Third Reading;
- ◆ Royal Assent;
- ◆ Commencement.

More detailed information on each step can be found in the Standing Orders of the Legislative Assembly. These Standing Orders are the parliamentary procedure rules established by the Legislative Assembly, and are available on the internet through the Legislative Assembly’s website at www.leg.bc.ca.
[Select *Documents and Proceedings* on the left, then *Standing Orders* on the page opened]

Bill 1 – a special case

Before describing the usual process by which a Bill is enacted, a special case deserves mention.

At the start of each legislative session, Bill 1 is introduced by the Attorney General. It is titled *An Act to Ensure the Supremacy of Parliament*. The Act does not proceed past First Reading and its only content is a description of the historical importance of this Bill.

This *Act to Ensure the Supremacy of Parliament* is an important part of our democratic process. The purpose of this Bill, and its introduction prior to consideration of the Throne Speech, is to perpetuate the established right of Parliament, through its elected representatives, to sit and act without leave from the Crown.

This Bill simply asserts the right of the Legislative Assembly to give precedence to matters other than those expressed by the Sovereign.

Introducing it at this point in the opening proceedings of the Legislative Assembly is a tradition that dates back to the reign of Elizabeth I when, on March 22, 1603, Parliament first recorded this assertion of independence from the Crown for purposes of legislation.

First Reading

A Government Bill is presented to the Legislative Assembly by a minister, usually the minister responsible for the relevant subject matter. In the case of a *Miscellaneous Statutes Amendment Act*, the Bill is presented by the Attorney General.

The Standing Orders of the Legislative Assembly require advance notice of First Reading unless the Bill is accompanied by a signed Message from the Lieutenant Governor. In addition, section 54 of the *Constitution Act, 1867* requires a Message in any case if the Bill contains any appropriation of public revenue or of a tax or impost. The standard practice in British Columbia for the past many years has been for government Bills to be presented by such a Message.

Despite the name “First Reading”, there is no actual reading of the Bill. Instead, the minister is allowed a very brief (2-minute) general statement of intent respecting the Bill before making the motion “*That this Bill be now read a first time*”.

Second Reading

Second Reading is the debate in principle during which members may speak for and against the general intent of the legislation. They may not debate the specifics of individual sections.

The Standing Orders establish rules respecting the length of time each member may speak during Second Reading debate.

Committee stage

The committee at this stage is the Committee of the Whole. That is, it is the full Legislative Assembly sitting without the Speaker. At the committee stage, each Bill is debated section by section, concluding with a return to the beginning by a vote on the Bill's title.

This stage is usually the longest part of debate on proposed legislation. Each section is subject to a separate debate and a separate vote, although sections may be combined in a single vote—as in “*Shall sections 5 to 12 pass?*”

The usual procedure is to begin at section 1 and proceed through to the last section. On occasion, the sponsoring minister may move “*that sections [# to #] be stood down.*” This has the effect of postponing debate on these sections. (For example, debate on the definitions section of a Bill may be postponed until the major substantive provisions have been considered.)

It is at committee stage that House amendments to the Bill can be made. Any member is entitled to move an amendment and, although it's not required, advance notice of proposed amendments is often provided in the Legislative Assembly's *Orders of the Day* publication.

Certain amendments may be ruled out of order. *Parliamentary Practice in British Columbia*, McMinn (3rd ed.), provides that an amendment is inadmissible if it

- ◆ is irrelevant or beyond the scope of the Bill,
- ◆ alters the principle of the Bill as agreed on Second Reading,
- ◆ destroys the effect of sections already agreed to by the Committee of the Whole,
- ◆ purports to amend Acts not related to the Bill,
- ◆ renders the provision unintelligible,
- ◆ amounts to a direct negative of the section being amended,
- ◆ imposes a charge, extends its object or purposes or alters or qualifies the destination of grants (unless it is a government amendment that is accompanied by a Message from the Lieutenant Governor),
- ◆ purports to delete a section,
- ◆ amends the preamble in the absence of an amendment to a section in the Bill, or
- ◆ is frivolous.

As with Second Reading, the Standing Orders establish rules respecting the speaking time for each section motion and, if applicable, each amending motion.

[For further information of the form and process for House Amendments, see Part 2 of this Guide: Principles of Legislative Drafting.]

A caution – courts may use House debate to interpret legislation

Recently, courts have shown an increasing willingness to use House debates in statutory interpretation. While primary attention is given to ministerial statements, courts have been known on occasion to use comments of opposition members in determining the scope and application of legislation.

By way of example, if a Bill is drafted broadly but the minister in debate focuses on only one aspect or application of the proposed legislation, a court may read the scope of the legislation as being limited to this aspect or application.

Report Bill

If a Bill is amended, the Law Clerk of the Legislative Assembly arranges for a Report Bill to be prepared by the Office of Legislative Counsel and the Queen’s Printer. A Report Bill shows the accepted amendments using a revision marking convention: deletions are indicated by strike-through lines and additions are indicated by single underlining.

Third Reading

After committee stage, the Legislative Assembly is called to order by the Speaker. The Chair of the Committee of the Whole reports the Bill “*complete with amendment*” or “*complete without amendment*”, as applicable (depending on whether House Amendments were made), and a motion for Third Reading is made. The motion may be debated, but generally there is little discussion at this point.

If the Third Reading motion passes, the Speaker announces that the Bill has “passed”. At this point, the Bill become an Act. It may be an Act, but it is not a statute until given Royal Assent.

Recommittal

Occasionally, a change must be made to a Bill after it has received Third Reading. If there has not yet been Royal Assent, the Bill can be recommitted—that is, Third Reading is negated, and the Bill is returned to committee stage where it can again be subject to House amendment. From there, it proceeds again to Third Reading.

Royal Assent

A Bill becomes part of British Columbia law when it receives Royal Assent. Royal Assent is given by the Lieutenant Governor, who attends in the Legislative Assembly and sits in the Speaker's Chair. (If the Lieutenant Governor is unable to attend, the Chief Justice of British Columbia, acting as Administrator under the *Constitution Act, 1867*, can give Royal Assent.)

The Law Clerk reads the names of the Acts that have passed Third Reading. The Lieutenant Governor nods. At that moment the Acts become law. (It is the Lieutenant Governor's nod that gives effect to the enacting clause of an Act: "*Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:*".)

It is the Third Reading form of a Bill that becomes a statute.

Commencement: when an Act becomes effective law

An Act that has received Royal Assent is not necessarily in force. And, until it is in force, the Act has no legal effect—that is, the obligations it establishes are not mandatory; its rights and prohibitions are not enforceable; and its powers are not exercisable. Legal effect begins when the Act commences, when it comes into force.

Direction as to when an Act or specific provisions of it are to come into force are found in the last section of an Act under "Commencement".

There are a number of possibilities for an Act's commencement. Acts or provisions may come into force in the following ways or in any combination of them:

- ◆ on the date of Royal Assent (which is the rule that applies under the *Interpretation Act* if an Act is silent);
- ◆ on a specified future date;
- ◆ when a specific event occurs;
- ◆ by regulation of the Lieutenant Governor in Council, with the regulation effective either immediately on deposit with the Registrar of Regulations or on a later date specified by the regulation;
- ◆ with retroactive effect (that is, be deemed to have come into force on a date that is earlier than the date of Royal Assent, and so operate to change the law as it applied in the past).