

## 24 Legislative Process

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### Policy/Legislative Amendments & Local Governments

Local governments in British Columbia are created under a provincial statute—the *Local Government Act* (or in the case of Vancouver, the *Vancouver Charter*).

Key powers and duties that a local government must exercise or may assume are set out in the *Local Government Act* and the *Community Charter*. The *Community Charter* (CC) provides BC municipalities with the authority to legislate in a number of areas of primarily local interest, while the *Local Government Act* provides this authority for regional districts. Under the CC, municipalities are given broad enabling powers, including broadly stated spheres of regulatory jurisdiction.

Many other Acts also set out local government powers and duties in various specific subject areas (e.g., *Motor Vehicle Act*; *Public Health Act*; *Environmental Management Act*).

Changes to legislation may be initiated in a number of ways including by the Provincial Government itself or through a request of local government.

Resolutions prepared by local government and endorsed at the annual UBCM Convention on proposed legislative change is one method that can be used to request a change in legislation or policy.

UBCM will become involved where a legislative amendment or change in policy is identified as needed by local governments throughout the province.

### Development of Policy & Legislation

The process of developing new legislation in British Columbia is flexible and designed to accommodate changing circumstances. Legislation is generally developed by the Ministry that has been assigned responsibility for the policy or legislative area. How any proposed changes are dealt with will be in large measure determined by the Minister and Deputy Minister responsible.

In some cases, consultation with UBCM will be required. The *Community Charter* requires the Minister responsible for a matter to consult with UBCM before taking specified actions, including amending the *Community Charter*, *Local Government Act*, *Local Elections Campaign Financing Act* or *Local Government Grants Act*.

In other cases, consultation with a local government or with UBCM may occur under the consultation principle. In either case, the nature of or process for that consultation will vary depending on things like the subject matter, time frame, provincial interests and impact on local governments.

Major changes in policy typically require Cabinet approval or approval by a specific government Cabinet committee. Once the full implications of the policy have been reviewed, Cabinet will make the decision as to what action, if any, is to be taken on the issue. Depending on the complexity of the issue it may require one or more of the following actions:

- Administrative change in policy by a Ministry;
- Passage of an Order-in-Council (OIC) by Cabinet (for example, OICs are used to enact regulations);
- Passage of legislation or legislative amendments by the Provincial Legislature.

In general, legislative changes are made in the following manner.

1. Premier issues the call for legislation
2. Cabinet Planning Session—a high level review of ministry service plans and legislative plans
3. Ministries submit requests for legislation (proposals) and Cabinet approves the legislative agenda
4. Government Committees review requests for legislation (from a policy perspective)
5. Legislative Review Committee reviews draft legislation.
6. Final draft legislation is prepared in Bill form ready for introduction
7. Bills are introduced in the Legislature

### Approval of Legislation by the Legislature

Before a Bill containing new legislation or amendments can become law it must go through the following stages:

**First Reading:** The Bill is introduced and is placed on the Order Paper to be debated in the Legislature.

**Second Reading:** The general principles of the Bill are debated in the House. The discussion in the Legislature must deal only with the subject matter outlined in the Bill and focus only on the general intent of the legislation.

**Committee Stage:** A clause-by-clause examination and debate of the Bill is undertaken.

It is at this stage that the Government will introduce any amendments it is prepared to make to the Bill.

“Committee Stage” is a more informal process where questions can be asked of the Minister responsible for the Bill and amendments may be proposed to the Bill.

Third Reading: Final debate of the Bill including any changes that have been made to it. This is the last point at which the Bill can be discussed by the Legislature before it is passed.

## Final Approval of Legislation

Legislation which is passed by the Legislature does not become law until it receives the Royal Assent of the Lieutenant-Governor.

The Government has three options as to when a Bill will officially become law in the province. It will state in the legislation whether the Bill will become law on the:

1. Date of Royal Assent;
2. Specified date outlined in the legislation (this date may be retroactive or in the future);
3. Date of coming into force (by an Order-in-Council passed by Cabinet—approval of legislation in this manner may be done section by section).

Legislation which is still on the Order paper once the current session of the Legislature is adjourned may be considered at the next session of the Legislature when it resumes. However, once the legislative session is prorogued—officially ended—those bills not yet passed must begin the whole process again.

## Official Publications of the Legislature

Orders of the Day Lists the business to be conducted in the House on that day. The Order paper will list any motions, written questions, or proposed amendments to Bills which have been placed on notice in the legislature.

Votes & Proceedings Lists the stage that each Bill is at in the Legislature and any votes that were taken.

Hansard Records the debate that took place in the Legislature on a daily basis.

Bill 1st Reading Bill as introduced in the Legislature on first reading.

Committee/Report Stage Bill has amendments and additions underlined and deletions crossed out as changed from 1st reading Bill.

Bill 3rd Reading Bill as debated and passed by the Legislature upon third reading.

Act Legislation which has received Royal Assent and has officially become a law of the province.

Consolidated Statutes Compilation of most of the legislation which is law in the province.

Consolidated B.C. Regulations	Compilation of most of the regulations issued in the province.
B.C. Gazette	Publication of Orders-in-Council and regulations passed by Cabinet.
Registry of Orders-in-Council	The Ministry of Attorney General maintains a registry of all Orders-in-Council passed by Cabinet.
Electronic Statutes & Documents	The Office of the Clerk, with the assistance of the Queen's Printer operates a Web Site for official publications: <a href="http://www.leg.bc.ca">www.leg.bc.ca</a>
	Bills, Orders of the Day, Votes and Proceedings and Hansard are available on a daily basis over the internet when the Legislature is sitting.

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