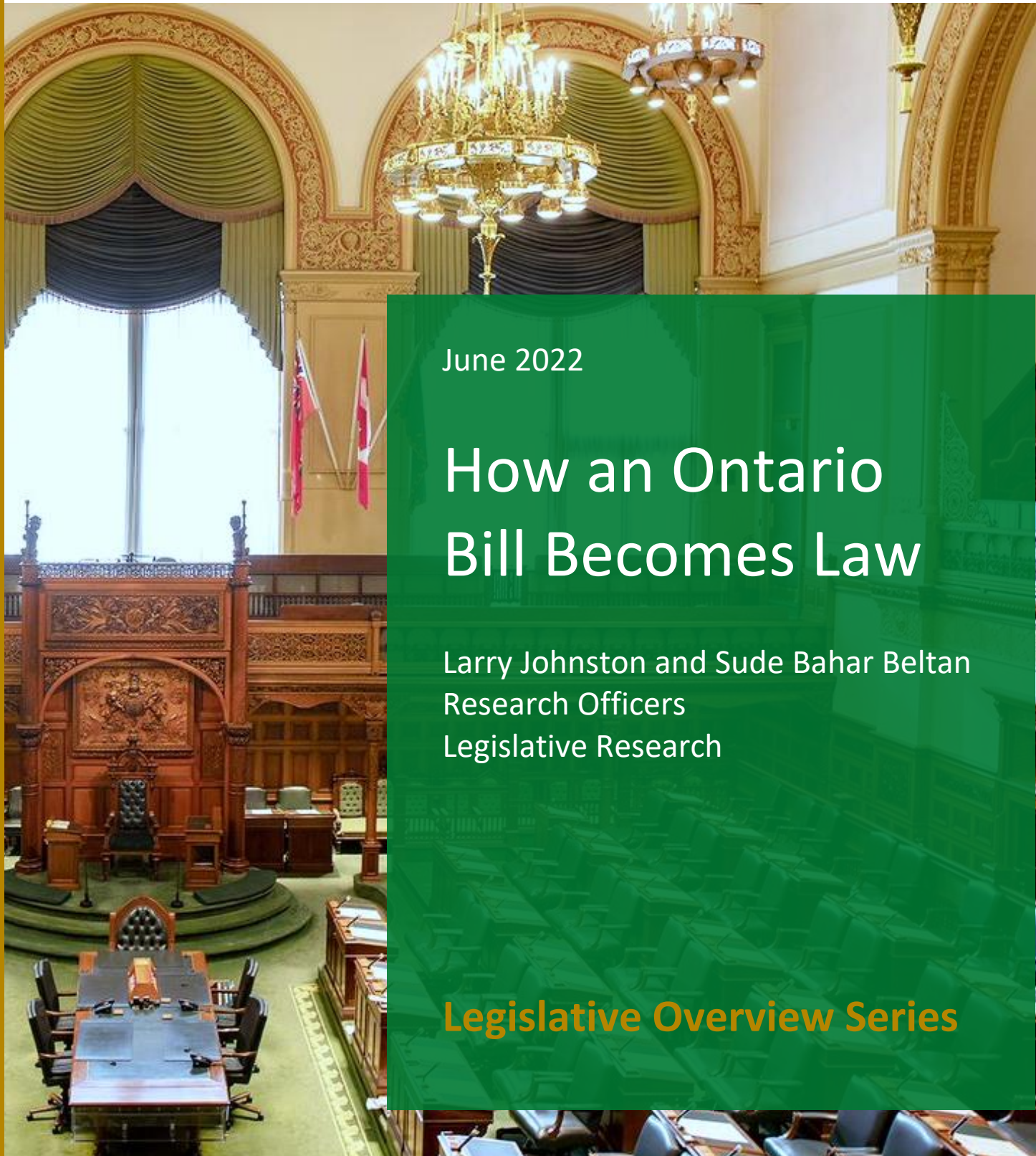


Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario



June 2022

# How an Ontario Bill Becomes Law

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Legislative Research

**Legislative Overview Series**

The Legislative Research Branch (LR) is dedicated to serving Ontario's Parliament, by providing Members of Provincial Parliament (MPPs), their staff and the legislative committees with confidential, non-partisan information, research and analysis on request. LR also prepares research papers on key public policy topics of interest to parliamentarians.

Every effort is made to ensure that research papers are accurate as of the date of publication, but the papers may not be updated subsequently. LR accepts no responsibility for any references or links to, or the content of, information maintained by third parties.

Research Officers are available to discuss research papers and other topics with MPPs and their staff.

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## Summary

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The process of passing bills into law is one of the main tasks of a Legislative Assembly and it takes up a major portion of the Assembly's time. This guide provides an overview of the legislative process in general, and then provides specific details about four types of bills: government, private members' public bills, committee bills and private bills. It is intended for use by both legislators and the public.

## What is a Bill?

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A bill is an idea written in legal language and presented for consideration to the Legislative Assembly by a Member of Provincial Parliament (MPP). It may be a proposal to make a new law or laws, or a proposal to change existing laws. A bill must pass through all the stages prescribed by the Legislature in order to become Ontario law. In Ontario, there are three kinds of public bills which are general in application:

- Government Bills are introduced by Cabinet Ministers.
- Private Members' Public Bills are introduced by Members who are not Ministers.
- Committee Bills are introduced by the Chairs of certain Standing Committees.

The Legislative Assembly also considers Private Bills, which are introduced by a Member who is not a Minister. Private Bills are bills that, if passed by the Assembly, allow a particular person or group of persons an exemption from the general law, or provide for something that cannot be obtained under the general law.

Unlike Public Bills, which pertain to matters of public policy and are initiated by Cabinet Ministers or private members, Private Bills originate with a municipality, company, or individual seeking a special power or exemption.

All versions of Ontario bills from 1995 onwards are available on the Legislative Assembly's website. Pre-1995 bills are available in public and university libraries. Note that the title on the cover page is the "long title". The short title, or the title most often used to refer to the bill, is provided in its final clause.

## Example of a Bill

Crest of the Legislative Assembly of Ontario

Legislative Assembly of Ontario  
  
Assemblée législative de l'Ontario  
1st SESSION, 42nd LEGISLATURE, ONTARIO  
68 ELIZABETH II, 2019

Long Title

An Act to establish the Poet Laureate of Ontario in memory of Gord Downie

Sponsor

Mr. P. Hatfield

Reading and Royal Assent Dates

1st Reading	July 30, 2018
2nd Reading	September 20, 2018
3rd Reading	December 12, 2019
Royal Assent	December 12, 2019



# Process

While there are slightly different rules and procedures for each type of bill, in general each bill moves through the same stages.



Bills are introduced during the Afternoon Routine Proceedings Introduction of Government Bills and Introduction of Bills, Monday to Thursday when the House is in Session. No debate takes place at this stage. Almost all First Reading motions carry without a formal vote. Following introduction, the bill is printed in English and French and made available to the public on the Assembly’s website.

Second Reading gives Members an opportunity to debate and vote on the principle of the bill. Time for debate is set out in the Standing Orders.

The Committee stage is an opportunity to call witnesses, examine the bill in detail and make amendments. Committees may travel to facilitate witness testimony and learn more about the issues. Research Officers attend hearings in order to answer any research questions that may arise and to prepare summaries of witnesses’ recommendations that help Members draft amendments as needed. After the witnesses have been heard, the bill is examined clause-by-clause, during which time any amendments are voted on. Once the parts of the bill have been considered, the committee votes on the bill as a whole, and whether to report it to the House. The Chair of the Committee reports the bill to the House and it is ordered for Third Reading. If it has been amended, the bill is reprinted and posted online.

Third Reading is the final stage of a bill’s consideration in the House, when Members decide whether the bill will pass. Debate at this stage focuses on the final form of the bill.

At the end of debate, if the motion for Third Reading carries, the Speaker states, “Be it resolved that bill do now pass and be entitled as in the motion.” The bill is reprinted and is posted online after it receives Royal Assent.

According to the *Constitution Act, 1867*, the passage of a bill by the Legislature requires the assent of the Sovereign (or her representative). Royal Assent takes place in the House or in the chambers of the Lieutenant Governor. The Office of Legislative Counsel then assigns a chapter number to what has become an Act and it is posted on the Ministry of the Attorney General’s e-Laws website under Source Law.

An Act becomes law when it comes into force, which may happen immediately or at a later date (specified in the Act or by proclamation).

## Types of Bills

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### Government Bills

A government bill is a legislative initiative submitted to the Legislative Assembly with the approval of cabinet. Only a government bill may impose a tax or specifically direct the expenditure of public monies.

Usually the Minister with responsibility for the policy area most relevant to the bill introduces it and leads off debate at subsequent stages.

### Pre-Legislative Stages

The process by which ideas or proposals are put on the government’s agenda and turned into legislative proposals is complicated. Sometimes, the pre-legislative stages are more important to the fate of a proposal than the formal legislative process. Strong party discipline and majority government can create a solid and predictable block of support for government initiatives. The largest constraint on the passage of government bills may be time, not the ability of opposition parties to defeat them. The pre-legislative process provides many opportunities for a proposal to be rejected, to be significantly amended, or be ranked too low a priority to continue. Several features of this process are significant.

First, it occurs almost entirely out of the public eye, protected by rules and conventions of confidentiality. The opposition, the media, and citizens learn about the legislative proposals that emerge from the pre-legislative process, but not usually about those rejected or held up somewhere along the way.



Second, the process is never quite the same from one government to the next. The pre-legislative stages involve the various structures and rules of cabinet, which each premier designs as he or she sees fit.

Third, while the actual drafting of legislation and regulations is done by the Office of Legislative Counsel, and much of the background briefing material is prepared by the ministries, significant direction is given by both the Cabinet Office and the Premier's Office.

Finally, the decision that a legislative proposal will become a bill rests with the Cabinet, which is involved in the process at several key points. One of these is when the Cabinet establishes the strategic priorities that will shape the government's policy agenda.

## Progress through the House

A government bill may be introduced during the Afternoon Routine Proceeding Introduction of Government Bills as well as Introduction of Bills. The Minister moves the introduction and first reading of the bill, which usually carries on a voice vote. The bill is printed, copies are distributed, and the text is posted on the Assembly's Internet site. A compendium of background information is tabled with the Bill.

The Minister may make a short explanatory statement of the bill's purpose following first reading, but Ministers often defer their remarks until the Afternoon Routine Proceeding *Statements by the Ministry and Responses*. This is an opportunity to provide a lengthier explanation of the bill and for each of the opposition parties to respond.

A bill that has received first reading cannot be ordered for second reading until the bill has been printed.

At any time before second reading debate begins, the government may move a motion to discharge the order for second reading and refer the bill to a Standing Committee. Although this step is taken infrequently, it allows the government to receive early feedback from stakeholders on its legislation and make amendments to the principle of the bill. The Committee will likely hold public hearings before considering amendments and reporting the bill to the House (as amended or not). At that stage it is ordered for second reading and proceeds the same as any other bill.

The Minister moves second reading and leads off debate, followed by the lead-off speeches from Members representing the recognized parties in the House (see rules of debate, below). The second reading debate and vote are about approval of the principle of the bill. The bill may not be amended at this stage.

When the debate concludes, the House votes on the motion for second reading. With unanimous consent, a bill that has received second reading may be ordered for third reading.

In most instances, though, the bill is referred to a Standing Committee (or a Select Committee or the Committee of the Whole House). The assigned Standing or Select Committee may decide to



hold hearings to receive testimony from citizens and expert witnesses. Amendments are voted on in the clause-by-clause analysis that concludes the Committee's consideration of the bill.

The Committee Chair reports the bill to the House. If the bill has been amended in committee, the House may not proceed further with the bill until it has been reprinted. If the report is adopted and the bill has been reprinted, the bill is ordered for third reading (unless the Minister or the Parliamentary Assistant directs the bill to the Committee of the Whole House). During third reading debate, the House considers the final form of the bill. Upon conclusion of the debate, the House votes on the motion for third reading.

A bill that receives third reading is presented to the Lieutenant Governor for assent. When it has received Royal Assent the bill becomes an Act, is assigned a chapter number and is posted as Source Law on e-Laws website.

## **Rule of Debate on Bills**

Unless altered by unanimous consent, rules of debate provide that the first speaker of each recognized party in the House may speak for up to 60 minutes in debate on second or third reading of a government bill. Subsequent speakers in debate are limited to 20 minutes and after seven hours of debate, to no more than 10 minutes.

Following each Member's speech, a maximum of 10 minutes are allotted for Members to ask questions for up to one minute, and the Member speaking originally may reply for up to one minute.

After six and one-half hours of debate at second reading, the Speaker deems the debate to be adjourned unless the Government House Leader directs the debate to continue.

## **Timetable**

The Government House Leader determines when an Order is called, often in negotiation with the House Leaders of the other parties.

## **Time Allocation**

With notice, once (a) second reading debate has been completed, or (b) six and one-half hours of debate on second reading have taken place, the government may introduce a motion that limits and allocates the amount of time to be spent on any proceeding that remains on a government bill. The time allocation motion may be debated for two hours, apportioned equally among the recognized Parties.

## **Committee of the Whole House**

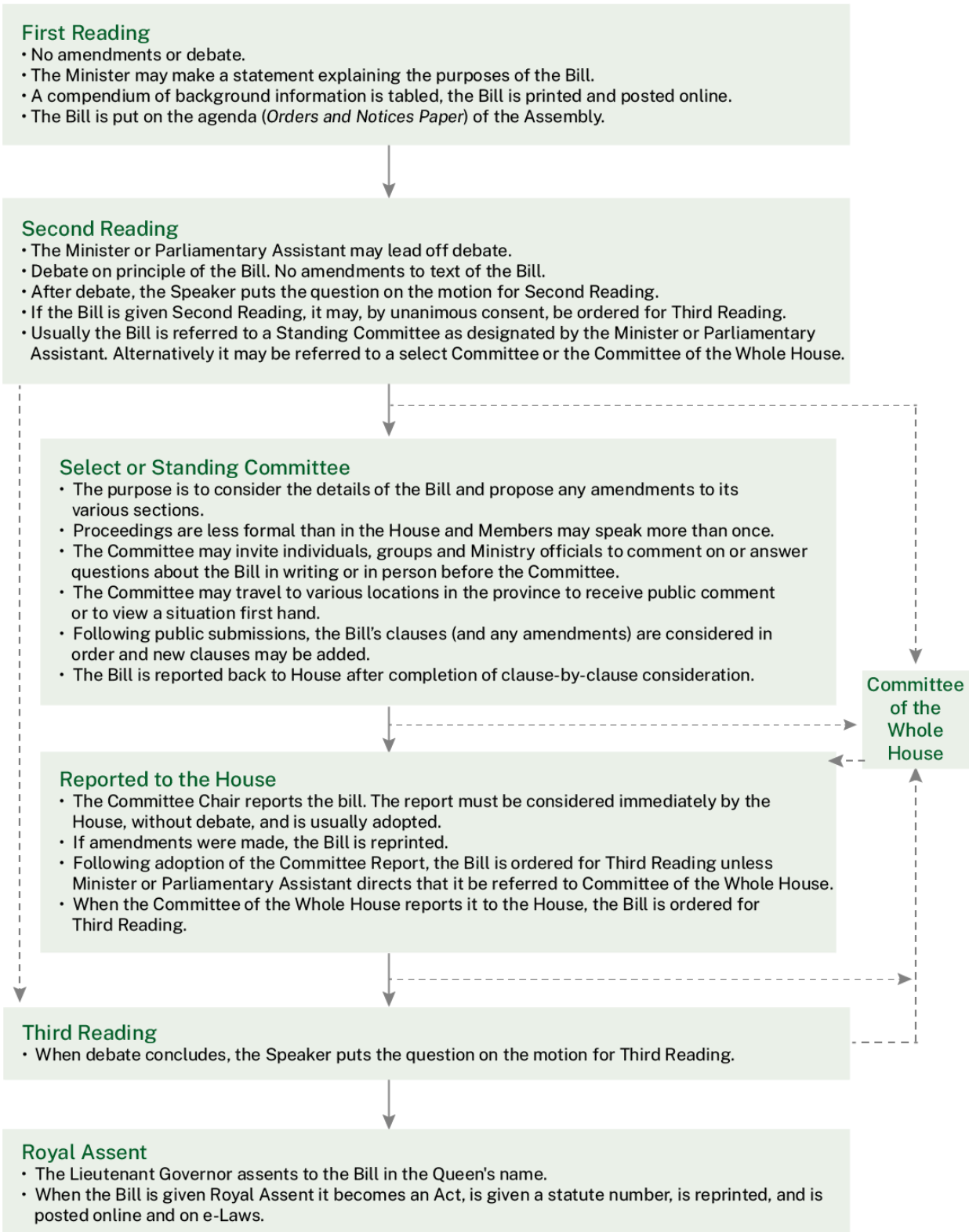
The House may decide to conduct business as a Committee of the Whole House, which provides for different rules of debate. The Deputy Speaker who is Chair of the Committee of the Whole House or one of the Deputy Chairs presides. With respect to bills, the Committee of the Whole is used to consider amendments to a bill after second reading, or after it has been reported from a

Standing or Select Committee. (Discharging the order for third reading and recommitting a bill to the Committee of the Whole is unusual but possible.)

## **Royal Recommendation**

Any bill that would impose a tax or specifically direct the allocation of public funds must receive the recommendation of the Lieutenant Governor prior to its passage. A money bill (one that imposes a tax or directs the allocation of public funds) may only be introduced by a minister. Because of this restriction, Private Members' Public Bills are not permitted to direct public spending or raise taxes.

## Government Bills



## Private Members' Public Bills

Any Private Member (i.e., a Member who is not the Speaker or a Cabinet Minister) may introduce a Private Member's Public Bill. Such a bill may pertain to any topic within provincial jurisdiction, but, according to the Standing Orders of the Legislative Assembly, the *Legislative Assembly Act*, and the *Constitution Act, 1867*, it may not impose a tax or specifically direct the allocation of public funds.

Most Private Members' Public Bills do not receive Third Reading and Royal Assent, i.e., become law. However, their passage has become more frequent in recent Parliaments. Even when they are not passed, they bring matters that concern private members, their constituencies or their parties to the attention of the House, the Ministries, the media, and the public. They may have an impact on government policy or influence policy directions a future government might take.

A Private Member's Public Bill is introduced and given First Reading during the Afternoon Routine Proceeding Introduction of Bills. The bill is printed, copies are distributed, and the text is posted on the Assembly's Internet site.

Private Members' Public Bills may be co-sponsored by up to four private members of the House. It is the responsibility of the co-sponsors to select which among them will move the motion for introduction and first reading of the bill.

Second Reading debate normally is conducted during the time designated under the Standing Orders (on Tuesday, Wednesday, and Thursday afternoons) for Private Members' Public Business, which includes bills and motions. A ballot process determines the order in which the Members will be allotted one of the available opportunities where a motion or a bill that is ordered for second reading can be debated and voted upon. That motion or bill must be explicitly designated on the *Orders and Notices Paper* eight sessional days in advance of its being called during the Member's scheduled ballot time.

## Private Members' Public Bills

### Drafting of Bill

- The Office of Legislative Counsel is available to assist the Member to draft the Bill in English and French.



### Caucus

- Decisions may be made in caucus on which Members will speak on the Bill and what points will be covered.



### First Reading

- No amendments or debate.
- The Member may make a statement explaining the purposes of the Bill.
- A compendium of background information is tabled, the Bill is printed and posted online.
- The Bill is put on the agenda (*Orders and Notices Paper*) of the Assembly.



### Second Reading

- During the time allotted to consideration of Private Members' Public Business (i.e. Tuesday, Wednesday, and Thursday afternoons), the time for debate on a Bill is:
  - 12 minutes for the Member who moves Second Reading;
  - 12 minutes per party for 1 or more representatives from each of the recognized parties in the House. (Mover of Motion may speak again as a party representative);
  - up to 5 minutes for an independent Member; and
  - 2 minutes for a reply by the Member moving Second Reading.
- Speaker puts the question on the motion for Second Reading to the House.
- A Private Member's Public Bill which is given Second Reading is referred to the Committee of the Whole House unless a majority of the House agrees to refer the Bill to a Standing or Select Committee.



### Standing or Select Committee

- The purpose is to consider the details of the Bill and propose any amendments to its various sections.
- Proceedings are less formal than in the House and Members may speak more than once.
- The Committee may invite individuals, groups and Ministry officials to comment in writing or in person.
- The Committee may travel to receive public comment or to view a situation first hand.
- Following public submissions, Bill's clauses (and any amendments) are considered in order and new clauses may be added.



### Reported to the House

- The Committee Chair reports the bill. The report must be considered immediately by the House, without debate, and is usually adopted.
- When the Committee reports the Bill to the House, it is ordered for Third Reading.
- If amendments were made, the Bill is reprinted and reposted online.



### Third Reading

- When debate concludes, the Speaker puts the question on the motion for Third Reading.



### Royal Assent

- The Lieutenant Governor assents to the Bill in the Queen's name.
- When the Bill is given Royal Assent it becomes an Act, is given a statute number, is reprinted, and is posted online and on e-Laws.

## Committee Bills

Before 1999, public bills introduced in the Legislative Assembly of Ontario were government bills or private members' public bills. As part of an extensive package of amendments made to the Standing Orders on October 27, 1999, Standing Order 124 (currently S. O. 128) was changed to provide for a third kind of public bill: committee bills.

The Standing Orders allow each permanent member of the Standing Committees on Justice Policy, Social Policy, the Interior, Finance and Economic Affairs, Procedure and House Affairs, or Heritage, Infrastructure and Cultural Policy, to propose (once in each Session) a topic for the Committee to study and report on. The topic must pertain to the ministries and offices (and any agencies reporting to them) that are assigned to the Committee. In order for the Committee to proceed with studying a topic, the proposal must receive the support of at least two-thirds of the Committee excluding the chair. Following its consideration of such a matter, the Committee is allowed to adopt, by a simple majority, the text of a draft bill on the topic.

The chair of the committee, as the primary sponsor, introduces the bill in the Legislature. The other committee members who support the bill may have their names printed on the bill as secondary sponsors.

Although a committee bill is generally treated as a private member's public bill, a minimum of three hours of debate takes place at a time or times agreed to by the house leaders of the recognized parties.

As of March 25, 2022, three committee bills have been introduced in the Ontario Legislature. These are *Ontario Association of Former Parliamentarians Act, 2000*; *Professional Foresters Act, 2000*; and, *Emergency Management Statute Law Amendment Act, 2004*.

## Private Bills

Private Bills (sometimes called Private Legislation) are bills that, if passed by the Legislative Assembly, allow a particular person or group of persons an exemption from the general law, or provide for something that cannot be obtained under the general law.

Private Bills originate with a municipality, company, or individual seeking a special power or exemption.

## Progress through the House

Although the Standing Orders state that any person, group, or corporation may apply for a Private Bill, the Bill must be introduced in the Legislative Assembly by a Private Member (a Member who is not the Speaker or a Minister.)

Usually, the Member for the riding in which the applicant resides is asked to introduce the Bill, or, in the case of a corporation, the Member for the riding in which the head office is located. The

applicant or the applicant's solicitor must file a compendium of background information with the Clerk of the House.

In March 2022, amendments to the Standing Orders altered the way Private Bills progress through the House, effective with the dissolution of the 42<sup>nd</sup> Parliament. Most significant among these changes is that Private Bills are no longer referred to the Committee stage unless certain conditions are met (discussed below).

The amendments also include that no Private Bill relating to a corporation is given First Reading until the Clerk of the House has received a certificate of the Minister of Finance showing all taxes payable under the *Corporations Tax Act* in respect of the corporation have been paid.

After First Reading, every Private Bill—with the exception of those that are referred to the Ontario Land Tribunal or the Commissioners of Estate Bills [as per S. O. 90(a) and S.O. 91(a), respectively]—remains ordered for Second Reading unless a written request is filed to refer the Bill to the Standing Committee on Procedure and House Affairs with the Clerk of the House by (a) a permanent member of the Standing Committee on Procedure and House Affairs, or (b) five members of the Assembly not of the Standing Committee on Procedure and House Affairs.

If such a request is not filed within 16 sessional days of a Private Bill's First Reading, the order for Second Reading of the bill may be called at the discretion of the Government House Leader.

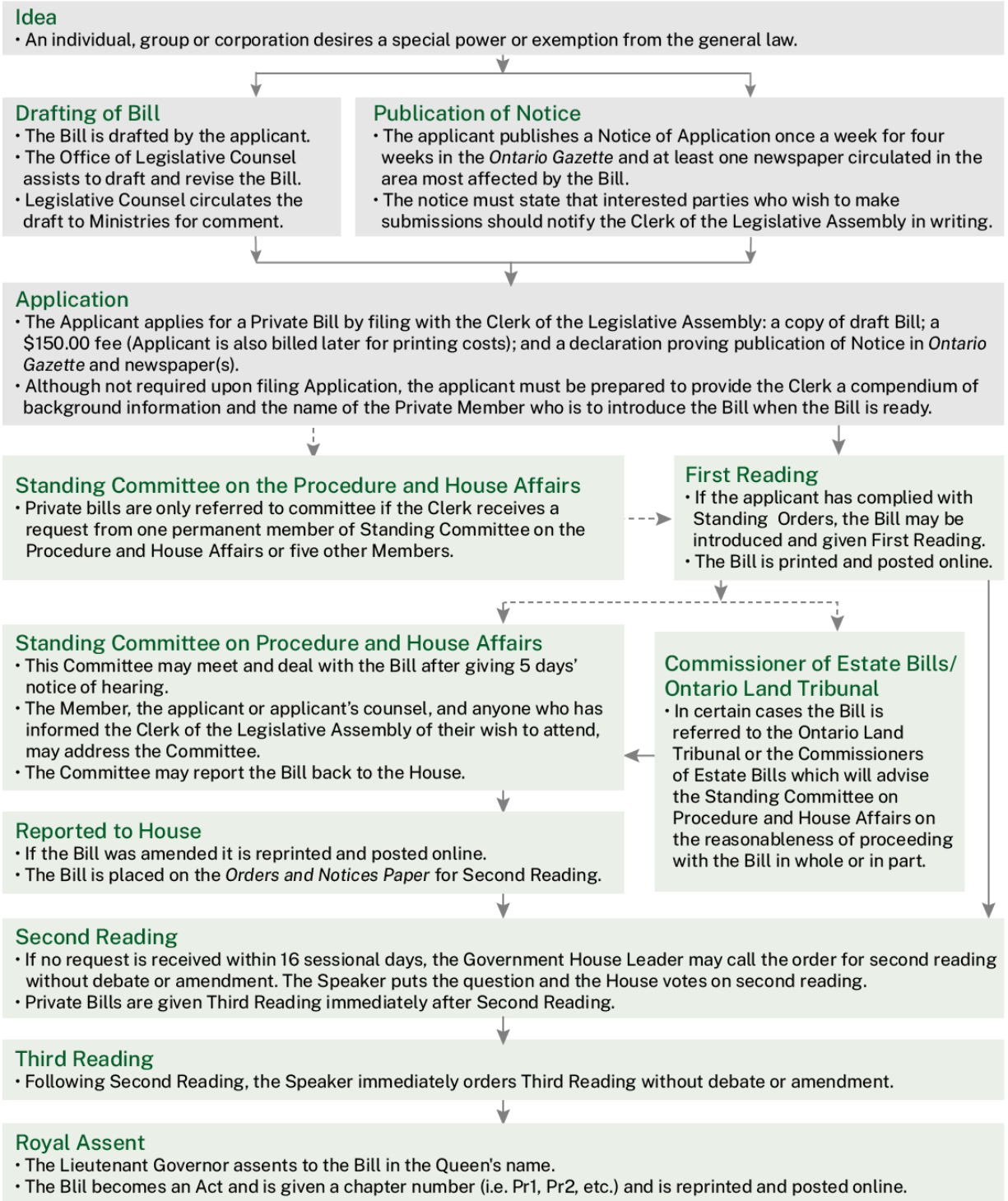
The above changes to the Standing Orders mean that debate about a Private Bill only occurs if the bill is referred to the Committee Stage. When this is the case, it is usual for the applicant or the applicant's counsel to appear at the Committee to speak to the bill. Other members of the public may also make written or oral submissions. The Committee may amend the Bill, and decides whether or not to report the Bill to the House.

When the Committee reports the bill back to the House, it is placed on the *Orders and Notices Paper* for second reading, which may then be called at the discretion of the Government House Leader without debate.

If a Private Bill is given Second Reading, the Speaker immediately orders for Third Reading without debate or amendment.



## Private Bills



# Asked. Answered.

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