

MAKING A NEW LAW

Learning Objectives

- To introduce students to the development of laws at both the federal and provincial levels.
- To explain the important roles played by the executive, the legislature, and the judiciary in Canada.
- To inform students on the ways they can become involved in the political process.

Materials

- Copies of the student handout, *Making a New Law* (one per student)
- Copies of *My Political Representative* activity sheet (one per student)
- Computers, internet and/or newspapers

Teaching and Learning Strategies

1. Assign the *Making a New Law* reading and have students complete the discussion questions either in pairs or small groups. Reconvene as a class to discuss their answers.

Teacher's Key - Discussion Questions

1. A new law enters into existence as a bill, and at this point is not officially a law until it passes through several crucial stages of evaluation. At the provincial level, an MLA or MPP may introduce a bill, while MPs at the federal level, whether a cabinet member or a private member, may introduce a bill.
2. Bills must pass through three different stages. The first stage is merely a reading of the bill. The second stage involves a debate on the bill and a vote, which, if passed, moves the bill on for a committee review. Following committee review, there will be a report to the House of Commons, at which time there will be

debate over the bill. Finally, the bill will then enter the third stage of final debate and a vote.

3. Answers will vary.
4. Students should provide a brief account of the executive, the legislature, and the judiciary, and their basic roles.
5. Laws can be subject to change as a result of a particular incident (e.g. the 9/11 attacks) or due to public pressure regarding a particular issue. This process is one in which the public can play an important role by speaking up to their elected officials and demanding changes.
6. Students' responses will vary, but they should mention contacting politicians, getting involved at the grassroots level, participating in public opinion polls and voting as some ways to become involved in the political process. Students should expand on which one they think is the most effective and impactful.
7. Answers will vary.

2. Have students complete the *My Political Representative* activity about either their local MPP or MP. Use either internet resources or local newspapers for research. Politicians may have websites or brochures about their platforms and political interests that could be referred to.

Teacher's Key - Sample My Political Representative

1. John Rafferty
2. Thunder Bay-Rainy River riding
3. Federal MP
4. NDP

5. Has experience as an educator, broadcaster, small business owner and volunteer. Has been educated at the University of Waterloo, University of Western Ontario, Lakehead University, and Confederation College.
6. Rafferty has twice been elected to represent Thunder Bay-Rainy River (2008, 2011). He is an advocate for the forestry industry and the CBC, and is opposed to the HST. He is also concerned with reducing the incidence of fetal alcohol spectrum disorder.
7. Rafferty was strongly supportive of abolishing the long gun registry on the prompting of his constituents. He introduced a private member's bill, Bill C-531, to alter the *Criminal Code of Canada* in an effort to address violence against transit workers.

Extension

1. Contact one or more of the politicians that students researched and arrange a classroom visit. Have students prepare questions in advance of the visit.
2. Have students research a political issue and send a letter about it to a politician.



MAKING A NEW LAW

The power to make or pass laws lies solely in the hands of the government in power. The government may draft legislation that addresses public concerns, reflects its policies, or considers technological advances. The process for creating laws in all three levels of government—federal, provincial, and municipal—is similar. The federal government, however, has a Senate.

At the federal level, a law is made when an idea is drafted into a bill, presented to the House of Commons, and undergoes three readings and a committee stage, which is repeated in the Senate. If the bill is passed, it is signed into law by the Governor General.

At the provincial level, a bill is introduced into the Legislative Assembly by a Member of the Legislative Assembly (MLA) or a Member of the Provincial Parliament (MPP). It goes through the various readings and the vote is then taken. Since the provincial government does not have a Senate, a bill that is passed by the Legislative Assembly goes directly to the Lieutenant-Governor for royal assent.

An idea to make a new law or to change an existing law starts out as a bill. When a bill is introduced by a Cabinet minister (usually the minister of the department that will be most affected by the bill), it is called a government bill. Government bills are rarely defeated if the government holds a majority of seats in the House of Commons.

A bill may also be introduced by a private member: an elected representative who does

not hold a Cabinet post. Although a private member's bill may be initiated by citizens, lobby groups, or corporations, the bill is always introduced by a Member of Parliament (MP). The procedure going through the legislature is much the same as for a government bill. However, since a private member's bill does not start out with Cabinet support, it is more difficult to pass than a government bill.

All bills go through several stages to become law. At first reading, the bill is publically read for the first time. There is no debate. At second reading, members debate the principle of a bill — Is the idea behind it sound? Does it meet people's needs? If a bill passes at second reading, it goes to a committee of the House of Commons.

Committee members study the bill carefully. They hold hearings to gather information. They can ask for government officials and experts to come and answer questions. The committee can propose amendments, or changes, to the bill.

When a committee has finished its study, it reports back to the House of Commons. The entire House can then debate it. During this debate, members can suggest other amendments to the bill.

Once the report stage is over, the bill is called for third reading debate. Members who voted for the bill at second reading may sometimes change their minds at third reading after seeing what amendments have or have not been made to the bill.

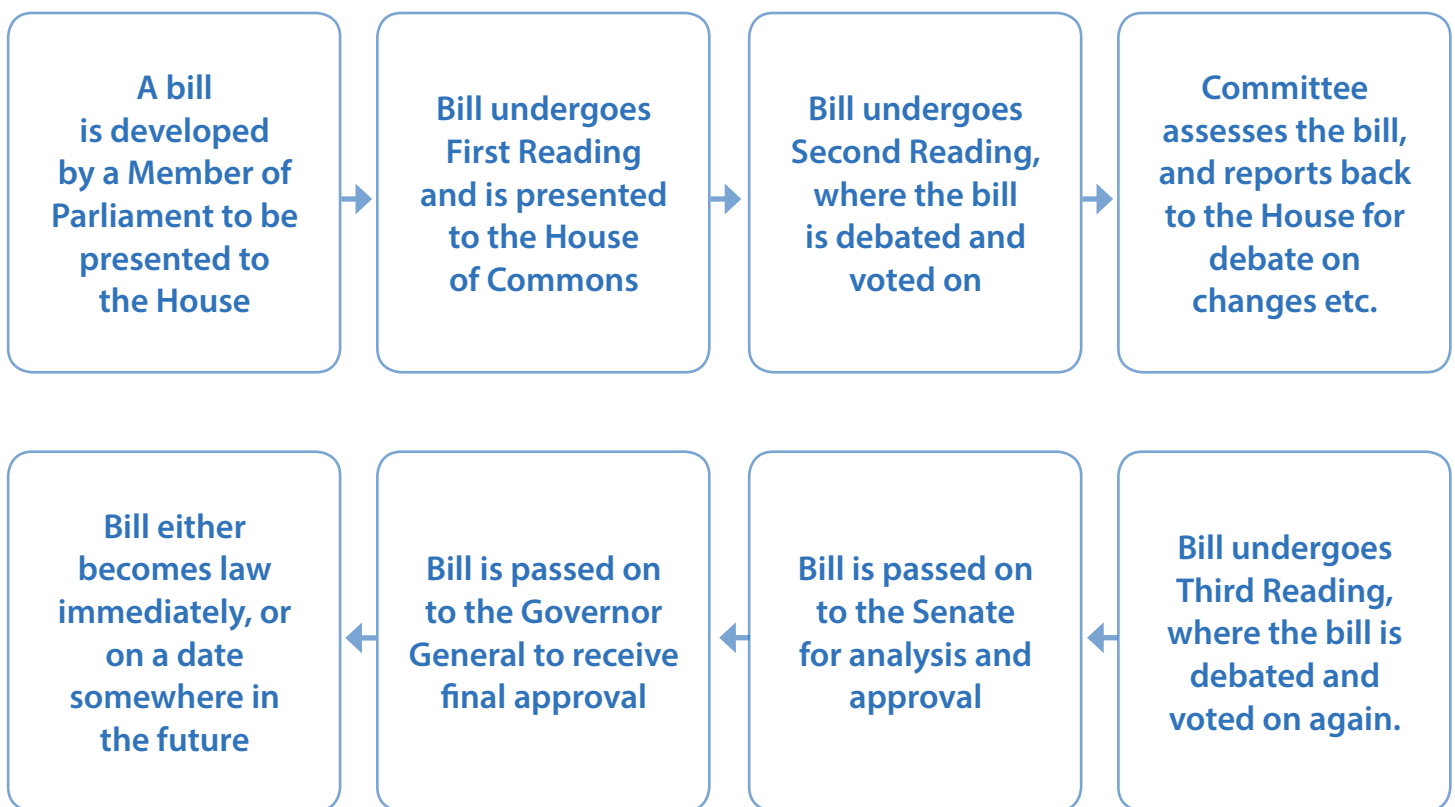
Once the bill has been approved following third reading, the bill is then passed onto the Senate, where the bill undergoes a very similar process of ratification. It is important to note, however, that the Senate will rarely, if ever, strike down legislation once it has passed through the House of Commons. While the Senate theoretically holds a great deal of political power, it is not common for these powers to be exercised.

After a bill has passed third reading in the House of Commons and has been approved by the Senate, it may come into force in one of three ways:

1. *Royal Assent* – This brings the act into force and it becomes law.
2. *Particular date* – The act comes into force on a date specified expressly within the text of the statute.
3. *Proclamation* – The act comes into force on a date to be announced later.

Note: Different sections of the statute may come into force at different times.

The following flowchart shows the legislative process for how a bill becomes law in Canada.



WHO MAKES AND ENFORCES LAWS?

Our federal and provincial governments are made up of three distinct branches: the executive branch, the legislative branch, and the judiciary. Each branch has an important role to play in making, interpreting, and enforcing laws in Canada.

Executive Branch

At the federal level, the executive branch comprises the prime minister, the Cabinet, and the public or civil service. Members of the Cabinet are elected representatives appointed by the prime minister to positions of responsibility. For example, your MP may be appointed to the position of Minister of Justice, responsible for proposing new laws and ensuring that existing federal laws are enforced. Cabinet positions are important appointments because this level of government—the administrative branch—sets policy, administers laws, and has the crucial task of controlling government spending.

The executive branch at the provincial level works much the same way. The premier of the province appoints the elected MLAs, or in Ontario, MPPs, to the Cabinet position for the province (e.g. Minister of Education). These individuals hold such positions in addition to their duties as provincial representatives. The provinces also have a public or civil service to conduct the business of government.

Legislative Branch

At the federal level, the legislative branch, also called Parliament, consists of both the House of Commons and the Senate. It is the legislative branch that actually passes statute laws. The Senate is made up of members appointed by the Governor General on the advice of Cabinet. Senators retain their seats until they reach the age of 75, unless they resign or die.

At the provincial level, Parliament is usually called the legislature or the Legislative Assembly. The legislature acts in the same way as Parliament at the federal level, except that provinces do not have Senates.

Judiciary

The judiciary is part of the government but independent of the other two branches. The judiciary is made up of judges who adjudicate disputes, interpret the law, and provide judgments in Canada's court system.

CHANGES TO THE LAW

Statute law is subject to change if enough people, pressure groups, or events influence the government to change or amend the laws. An example of an event causing a change to our search, seizure and detainment laws is the September 11, 2001 tragedy in the USA. Because of this, the *Anti-Terrorism Act* came into effect in October 2001.

Another example is the *Youth Criminal Justice Act (YCJA)*. Previously, it was called the *Young Offenders Act*. The approaches to sentencing were different under the old *Act*. Public pressure on the government resulted in changes to the law to better address the concerns of young people involved in the criminal justice system.

MAKING YOUR VOICE HEARD

Here are some strategies you can use to be heard by governments.

Contact Your Representative

The most direct access to government is through your local elected representative. You can contact him or her in various ways. Many organizations offer advice on how to do this effectively. Here are a few tips:

1. E-mails and faxes are easy to send (and easy to ignore).
2. Handwritten or typed letters to federal and provincial representatives are more personal and more effective:
 - Briefly and clearly relate your experience and concern.
 - Identify the specific law, regulation, policy, or program, and how you want it addressed.

3. Copy your letter to the minister or councilor responsible for the area that concerns you. He or she has great political power and needs to hear from citizens directly.

Get Involved at the Grassroots Level

Most parties have youth wings. These are meant to increase access for young members into the party. They can also focus youth power within the larger party. As convention and conference delegates, young members can influence leadership choices. They can also put forward resolutions.

Participate in public consultations and summits about new legislation. Many people do not think that anyone will listen to their opinions. However, these consultations are taken very seriously. It is an easy opportunity for you to make your ideas known before a law is enacted.

The Impact of Public Opinion Polls

To win elections, parties like to know what citizens want. One way to do that is through surveys, or public opinion polls. Comas, Ekos, Environics, and Ipsos-Reid are among Canada's best-known polling companies and are often quoted in news reports. By contacting as few as a 1000 people, pollsters can get an accurate snapshot of how Canadians feel on an issue. The sample (i.e. the people interviewed) must be selected at random

3. Do you think having multiple reviews of a bill is a good idea? Why or why not? Do you think that it would be helpful to make the process of new law creation faster?

4. What are the three branches of government, and what are their roles and responsibilities?

5. How can existing laws be changed? Are politicians the only people involved in the process of reviewing and changing laws?

6. How can you become involved in the political process? Of the four methods that are mentioned, which method do you feel would be the most effective and impactful?

7. Do you think it is important to exercise your right to vote in elections? Why or why not?



My Political Representative

1. Name: _____

2 Political riding: _____

3. Are they a federal or provincial politician? _____

4. What political party do they represent? _____

5. Provide a brief biography of the representative you are studying. This may include their birthdate, places where they have lived, occupations and volunteer experiences, personal interests, etc. Create a complete and detailed profile:



My Political Representative

6. Provide an overview of their political career, noting the political areas and issues that they have shown a strong interest in:

7. List examples of bills that your representative has been involved in drafting, or strongly debating:
