

PROCESS FOR PASSAGE OF A PRIVATE BILL IN THE LEGISLATIVE ASSEMBLY OF MANITOBA

A Private Bill relates directly to the affairs of an individual or group of individuals, including a corporation, named in the Bill; the Bill seeks something which cannot be obtained by means of the general law and is founded on a petition from an individual or group of individuals.

The petitioner(s) should first determine that incorporation by passage of a Private Bill in the Legislative Assembly is the preferred way to proceed. Private Bills are used most commonly for the incorporation of an organization seeking powers, which cannot be granted under *The Corporations Act*, or for amendments to existing Private Acts of incorporation.

Incorporation of most corporations, therefore, can be accomplished through the Companies Office (Department of Finance: 945-2500). This route generally is less costly, involves less complex processing and is quicker.

When the decision to use the legislative process is made, the following procedure is to be followed.

SPONSOR

The petitioner must contact his or her MLA to arrange for an MLA (a Government backbencher or Opposition Member) to sponsor the Private Bill through the various stages of the legislative process. (**Note:** a Minister of the Crown may not sponsor a Private Bill as the Crown cannot petition itself.)

PETITION

The purpose of the legislation must be clearly defined and set out in a petition, drafted in the format set out in the sample attached as Schedule A. This petition should be as brief and concise as possible, leaving details for the proposed Bill. Each of the petitioners is to sign the petition (or in the case of a corporation, the petition must bear the corporate seal as well as the signatures of the authorized officials of the corporation).

NOTE: *The requirement for 15 signatures as set out in the Rules does not pertain to Private Bill Petitions.*

NOTICE OF A PETITION FOR A PRIVATE BILL

FORMAT:

1. The objective as stated in the petition, may be used in the Notice. The Notice is to be
 - (a) drafted in English and in French in accordance with the attached Schedules B and C; and

(b) signed by or on behalf of the petitioner; and

(c) clearly and distinctly specifying the nature and objectives of the petition and any exceptional provision proposed to be inserted in the Bill.

2. The draft Notice (Schedule B) must be submitted to the Journals Branch for procedural approval. Once reviewed and approved, the Journals Clerk will forward the Notice to the Legislative Counsel's Office for the French translation (Schedule C). This procedure has taken effect on April 30, 2002.

The final bilingual Notice will be returned to the contact person for the organization who will then arrange for the advertisement of the Notice.

NOTE: *In accordance with our Rules and Practices, a Member of the Legislative Assembly can **NOT** sign a petition or petition the Legislature. An MLA will present a petition on behalf of a group or an organization. Therefore the name of the group or organization (also known as "name of the petitioner") should appear in the space provided at the top of the form.*

ADVERTISING:

Notice of the petition must be published within twelve months prior to the presentation of the petition for the Private Bill to the Legislative Assembly:

(a) in English (Schedule B) and in French (Schedule C), with both schedules to appear in two separate weekly editions of a single newspaper having general circulation in the area affected by the proposed Bill; and

(b) in English (Schedule B) and in French (Schedule C), with both schedules to appear in one issue of *The Manitoba Gazette*.

AFFIDAVIT:

The party that arranged the advertising must then swear an Affidavit. The Affidavit must state that the required advertising has been completed, detailing on what dates and in which newspapers it appeared. Copies of the newspaper tear sheets are to be attached as exhibits to the Affidavit.

The advertising is a crucial part of the Private Bill process. Incorrect wording can lead to disqualification, which inevitably results in a delay of the process. Therefore it is imperative that all requirements have been met.

DRAFT BILL AND ROLE OF LEGISLATIVE COUNSEL

A draft Bill is then to be prepared. The petitioner(s) may wish to seek assistance from a lawyer in preparing a preliminary draft. To ensure that the Bill meets Manitoba drafting standards and to avoid any possible legal or technical issues, the petitioner(s) should contact the Legislative Counsel office of the Department of Justice (945-5758) as soon as the preliminary draft is ready. Legislative Counsel will then assign a drafter to assist the petitioner(s) and the drafter will prepare the Bill. The role of

Legislative Counsel is to ensure that the Bill conveys the intent of the petitioner(s) and that it meets modern drafting standards.

Failure to consult with the Legislative Counsel office early on in the process could result in the petitioner(s) having to incorporate necessary changes to the draft legislation which in turn could slow down the process for passage of the Private Bill.

FILING OF DOCUMENTS

1. Once the Petition, Affidavit of advertising and draft Bill have been prepared, the original of each document is filed with the Journals Clerk (Room 249, Legislative Building), together with a filing fee of \$250.00, payable to the Minister of Finance (plus \$10.00 for each 450 words or portion thereof over 4,500 in the body of the Bill). The name of the MLA who will sponsor the Bill should also be indicated in writing at this time. If the body to be incorporated or whose statute is to be amended is a charitable, religious or benevolent organization, this fee, less an amount to cover the cost of printing the Bill, may be recovered if agreed to by the Legislative Assembly. A formal written request for a refund of fees must be made in order to accomplish this.
2. The Petition and Affidavit will be examined to verify that they comply with the Rules of the Legislative Assembly. The petitioners will be contacted respecting any problems in these documents which must be corrected. The draft Bill will then be forwarded to the Legislative Counsel's Office for a final review and translation.

PRESENTATION IN THE LEGISLATIVE ASSEMBLY

When ready to proceed with introduction of the Bill, the sponsoring MLA informs the Journals Clerk of his/her intention to present the petition to the House. The petition will first be **presented** to the Assembly and on the following day, the Bill title will appear on the Order Paper under Introduction of Bills where First Reading can be given at any time thereafter.

SECOND READING OF THE BILL

When the printed Bill is received by the Journals Clerk, the sponsoring MLA is provided with a copy and authorization request to have the Bill distributed. One day after distribution, the Bill will be listed on the Order Paper for Second Reading. This is a debatable motion, providing each MLA with an opportunity to speak to the matter. When Second Reading has been agreed to, the Bill is referred to a Standing Committee of the Legislative Assembly.

COMMITTEE CONSIDERATION OF THE BILL

During the committee stage, the Committee will first hear presentation from the public. Presentations may be made by any interested party; such person [including the petitioner(s)] should contact the Committee Clerks at 945-4729 or 945-0796 and register as wishing to address the Committee about the Bill. When the Committee meeting is called, presenters will be advised - usually by telephone - of

the date, place and time. Presentations may also be made in writing if the presenter(s) cannot attend in person. Once all presentations are heard, the Committee will consider the Bill in detail and make any necessary amendments. The Committee will then report to the Assembly.

CONCURRENCE AND THIRD READING AND ROYAL ASSENT

Two days after the Committee reports to the Assembly, the Bill will be listed on the Order Paper for Concurrence and Third Readings. This is a debatable motion, providing each MLA with an opportunity to speak. After the Bill passes Concurrence and Third Reading, it must receive Royal Assent to become law. The process is now complete.

NOTES

- * *If the Private Bill does not complete the entire Bill enactment process but is on the Order Paper under First Reading or Second Readings when the House is prorogued or dissolved, it may be re-introduced at the next session of the Legislature without publication or further notice.*
- * *Petitioners are advised to conform to the formats outlined in Schedules A, B and C. Deviation from these formats may invalidate the document and delay the process. **Therefore it is imperative that all draft documents be submitted to the Journals Clerk for procedural review.***
- * *This document provides only a guide to the process of passage of a Private Bill in the Legislative Assembly of Manitoba. For additional details or if you have questions, contact the Journals Clerk at 945-6331.*

SCHEDULE A
SAMPLE PETITION

TO THE LEGISLATIVE ASSEMBLY OF MANITOBA:

These are the reasons for this petition: (*or: The background to this petition is as follows:*) (*Briefly summarize the problem or grievance and any necessary background information*).

An association of former Manitoba MLAs has been formed and on September 25, 2001, at its first annual meeting it was agreed that the Manitoba association be incorporated by an act of the Manitoba Legislature.

The objects of the Association of Former Manitoba MLAs are:

- (a) to put the knowledge and experience of its members at the service of parliamentary democracy in Manitoba and elsewhere;
- (b) to serve the public interest by providing non-partisan support for the parliamentary system of government in Manitoba;
- (c) to foster a spirit of community among former MLAs; and
- (d) to foster good relations between former MLAs.

We petition the Legislative Assembly of Manitoba as follows: (*Set out the action the Legislative Assembly is being asked to take or not take*)

THAT the Association of Former Manitoba MLAs be incorporated by an Act of the Legislature of Manitoba.

| Name (Please Print) | Address | Signature |
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