

## How Legislation is Prepared and Enacted

This document provides a general overview of how legislation is typically prepared and enacted by government – some process modifications may be implemented from time to time.

Legislative proposals are prepared by departments for their minister using the Request for Legislation Memorandum to Executive Council form. The Legal Services solicitor supporting the request must be involved from the onset of development of proposed legislation. The solicitor will prepare drafting instructions for the proposed bill and provide legal advice including on whether legislation is required and any legal implications of proceeding as proposed.

Requests for Legislation submissions follow the standard process for all submissions at Executive Council Office (ECO). There may be calls for proposals at specific points throughout the year (typically ahead of a scheduled sitting of the legislature), but departments can submit a Request for Legislation at any time. A key consideration for departments and ministers in proposing bills are government commitments that pertain to or are related to legislation. Other legislative proposals may come forward because of evolving priorities and operational requirements.

Once received, Requests for Legislation are scheduled on the Treasury and Policy Board agenda for consideration. Treasury and Policy Board is the Committee of Cabinet that considers significant policy requests, including bills to introduce legislation in the Nova Scotia Legislature. Ministers and their support staff, along with their departmental solicitors, must present their proposed bill using the templates and guidance provided by ECO. Treasury and Policy Board may provide direction that changes be incorporated or request that additional information be provided to support the request.

If approved, ECO records the decision and coordinates drafting of the proposed bill with Legislative Counsel Office, who will formally prepare the bill per the drafting instructions. A lawyer in the Office of Legislative Counsel is assigned to the file, and working with the department and their solicitor, a draft bill is prepared. The length of time required to complete drafting should always be considered – a new or complex piece of legislation, or significant amendments will take much longer to draft.

Once a bill has been drafted, the Minister proposing the bill will return to Treasury and Policy Board to present the bill. At this time, the Minister will note any significant changes that have been included since Treasury and Policy Board approved the original Request for Legislation presentation and drafting instructions (this is traditionally done through a “Bill Certification Letter” and outlined verbally when presenting to Treasury and Policy Board). This may include amendments directed by Treasury and Policy Board. This final approval results in a bill for the Executive branch of Government to introduce at their will in a sitting of the legislature.

The legislative agenda is tabled in the House of Assembly, and each bill goes through a process of three readings and debate. For more information on how a bill becomes law, refer to the [Nova Scotia Legislature website](#). The diagram below provides a general overview of the typical legislative development process for reference. Please consult with your Cabinet Advisor if you have any questions.

## Decision-Making Process - Legislative Proposals

