APPROACH TO IMPLEMENTING SECTION 3 OF THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT

DEVELOP POLICY

Identify an issue

Respond to a crisis

Honour election promise

Law reform study

Budget commitments

1 Initiate policy exploration / establish consultation and cooperation plan.

REQUEST FOR DECISION (RFD)

RFD

Ministry seeks Cabinet approval or is instructed to prepare submission.

Ministry drafts RFD.

Ministry includes TB and legal advice in submission.

ADM/DM decision

Proposal is vetted by ADM and DM committees.

Cabinet decision

Cabinet or Cabinet committee makes decision, and if ministry needs legislation to implement proposal, Cabinet requires ministry to prepare RFL.

2 Development of RFD.

REQUEST FOR LEGISLATION (RFL)

RFL

Ministry drafts RFL, including 3-column drafting instructions.

Ministry includes TB and legal advice in submission.

ADM/DM decision

Proposal is vetted by ADM and DM committees.

Cabinet decision

Cabinet decides whether to amend, add instructions, and ultimately to send submission to legislative counsel.

3 Development of RFL.

DRAFT LEGISLATION

Draft a bill

Legislative counsel prepares draft legislation that implements the approved policy.

Cabinet committee

Ministry may be asked to return in order to describe any new policy issues that have arisen during drafting process and how those issues have been resolved.

Final review

Cabinet committee ensures draft is consistent with approved policy, drafting is clear, and implications are understood.

Final Bill

Legislative counsel draft legislation in final Bill form.

Bill is signed by Premier, L-G, and printed by the Queen's Printer.

4 Legislative drafting.

LEGISLATIVE ASSEMBLY

First reading

Minister introduces proposed bill and explains its purpose.

Second reading

Members debate general principles and goals, but not yet specific sections.

Committee stage

Members examine each section.

Third reading

Members may choose to debate the bill again before taking a final vote.

If passed, bill becomes an Act.

Royal Assent

Lieutenant Governor gives Royal Assent.

Bill becomes part of BC law.

Law becomes enforceable on date chosen for commencement.

5 Parliamentary process.

RESULT

Enforceable legislation

Legislation that gives legal effect to government policy in a form that clearly communicates the policy to those who are required to obey it and to those who are required to administer it.

Consult and cooperate as appropriate.