

Comparing Legislative Processes in Canada and Russia

	RUSSIA	CANADA
Initiation	<p>In the Russian political system many different institutions have the right to initiate legislation. These include:</p> <ul style="list-style-type: none"> • The President • The Cabinet of Ministers • The Federation Council (each of its 178 members) • The 450 deputies of the State Duma • The 89 Regional legislatures ¹ • The Constitutional Court, the Supreme Court and the Supreme Court of Arbitration (legislation dealing with judicial issues). <p>The majority of drafts submitted to the State Duma are submitted by deputies. The government (Cabinet of Ministers) accounts for roughly 20% of drafts submitted to the Duma; the President submits 8 to 10% of the drafts; other actors such as regional legislatures account for 14 to 16%.</p>	<p>The right to initiate legislation lies with Ministers, and with other MPs. In practice close to 95% of bills adopted into law by Parliament are initiated by Ministers. ² Government bills may be introduced in the House of Commons or the Senate, although the vast majority are tabled initially in the House of Commons.</p> <p>A lottery determines which Members have their private member's bill considered. Only some of those bills are referred to committee and given further consideration. Only 1 or 2 are likely to be adopted in any given year.</p>
Priority Setting	<p>The Russian Cabinet of Ministers develops and implements its own set of legislative priorities, in co-ordination with the President's office. The government then co-ordinates the drafting of legislation by various government ministries.</p> <p>Taking into account legislation proposed by the Duma, the Duma Council is responsible for setting the Duma's legislative agenda. The Council is also responsible for assigning draft laws to various committees for review.</p> <p>Some 600 bills are submitted for consideration each year in the Duma. Consideration of these bills is complicated since the priorities of the executive may not be comparable with those of the Duma. In addition, owing to the large number of parties and independent members, it takes time to achieve majority support for a bill.</p>	<p>The Cabinet of Ministers constantly reviews legislative needs and proposals in the light of the changing political environment. Since the government normally represents a majority of MPs, who in Canada can be counted upon to support government legislation, it is in a position to decide which legislative proposals will have priority. This is necessary because House time is limited, although the amount of time actually required for its consideration will depend on the reaction of the opposition parties and the public.</p> <p>Under the Standing Orders one hour is normally set aside each day for the consideration of private members bills. Priority for debate on a few among the private members bills that are drafted each session is determined by a form of lottery.</p>

¹ Limited to federal laws on autonomous regions or areas

² In the parliamentary system, ministers are also Members of Parliament.

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Legitimation	<p>A bill must pass three readings in the State Duma (the lower house), as well as a vote in the Federation Council (the upper house). Owing to the large number of political blocks (factions) in the Duma, the passage of a bill is difficult to anticipate.</p> <p>Once legislation has passed the three readings in the State Duma, it must be transferred within five days to the Federation Council. The Federation Council has 14 days to decide either to adopt the bill in its entirety, or to reject it. It cannot vote on individual articles. To become law, the bill must be signed by the President within fourteen days after its approval by the Federation Council. If the President rejects the law, a two-thirds majority vote of both houses can override the President's veto. The President must then sign the law within 7 days (article 107).</p> <p>Regional legislatures are given the opportunity to comment on bills and propose amendments to federal laws with regional implications. After the first reading in the Duma, regional legislatures can be asked to study a draft law. The legislatures return comments to the Duma committee, which reworks the draft, accepting or rejecting the suggested amendments.</p>	<p>A bill must pass three readings in the House of Commons as well as in the Senate and be approved by both Houses in identical form before it is ready for signature into law by the Governor-General. However, his/her signature is a formality; the Governor-General has no veto power.</p> <p>Due to Canada's majoritarian system and strict party discipline, government bills are almost always approved by the House of Commons. In periods when a change of government has occurred following an election, the new government may face difficulties if the opposition has a majority in the Senate. If in such occasions the Senate rejects a bill or amends it, the government has to decide whether to accept the Senate's amendment or resubmit the bill in its original form, counting on popular support to cause the Senate to reconsider. There is, however, one procedure for breaking a deadlock. Used only once, this procedure permits the Prime Minister to appoint up to eight additional Senators.</p>
Implementation	<p>A law officially comes into force usually after it is published in the <i>Collected Legislative Acts of the Russian Federation</i> and in the newspaper <i>Rossiiskaya Gazeta</i>. Implementation of laws is the responsibility of the government.</p> <p>Implementation of laws does not always follow their passage. The number of areas in which jurisdiction is shared between the federal and regional governments means that a number of federal laws have to be implemented both at the federal and regional levels by different bureaucracies. A second range of problems results from the sheer volume of laws and decrees that are passed, which generate demands for implementation that are beyond the capacity of the government and its bureaucracy.</p>	<p>Federal laws and any enabling regulations are published in the <i>Canada Gazette</i>. The date when a law comes into effect is usually specified in the law, although it may be elaborated in regulations prepared subsequently. Implementation is the responsibility of the government and its bureaucracy. Regulations issued by the government elaborating the law are subject to review by a joint committee of the two Houses of Parliament, the Standing Joint Committee for the Scrutiny of Regulations, which can rule that regulations invoke powers exceeding what had been authorized in the legislation. Where the committee has made such a determination, the regulations must be modified.</p>

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Interpretation	<p>Jurisdictional disputes between the federal and regional governments are the responsibility of the Constitutional Court.</p> <p>The Constitutional Court can also strike down laws violating human rights as set out in the constitution.</p> <p>To clarify and specify the division of powers, Federal constitutional laws may be passed.</p>	<p>Neither federal nor provincial legislatures may pass laws outside of their jurisdiction, as specified by the constitution (the <i>ultra vires</i> principle). For example, provincial legislatures may not pass laws regarding national defence or in other areas of federal jurisdiction, and vice versa. In cases when the jurisdiction is disputed, the Supreme Court adjudicates. Occasionally this has been done by means of a reference whereby the federal government may ask the Supreme Court of Canada for an interpretation. The provinces have similar rights and can refer questions of interpretation to their courts of appeal. In addition, since 1982, when the Charter of Rights and Freedoms was adopted, the Supreme Court may also be asked to rule on whether a law contravenes the Charter.</p>