

PART II.—MACHINERY OF GOVERNMENT

Section 1.—The Federal Government

Canadian governmental machinery or institutions function through the application of the British North America Act and its amendments and those other constitutional principles and developments—both “written” and “unwritten”—that have evolved from the combination of British law and traditions with Quebec’s adherence to the French language and habits of mind, all within a New World transcontinental environment. They are classified into three branches—the Executive, the Legislature and the Judiciary—and exist for each of the three levels of government in Canada—federal, provincial and local—functioning within their respective jurisdictions as specified respectively by the provisions of the British North America Act and by their statutes of origin.

Despite this *division* of the Government of Canada into three separate branches, Canada’s system of responsible government was long ago evolved from the British practice of the *union* of the executive and legislative branches which is the antithesis of the United States system embodying the opposing principle of the division or *separation* of executive, legislative and judicial powers or authorities from one another. As recounted under the heading of The Cabinet (pp. 73-74), there is a close identification of the Canadian legislative and executive branches of government, with final direction and authority emanating from the former. The Prime Minister and his Cabinet, which formulates and carries out all executive policy, have seats in Parliament and are responsible at all times to the House of Commons and it is here that the *principle of the union* of powers finds its significant expression. On the other hand, the guarantee of the independence of the judiciary, whose superior court judges are appointed by the Governor General (in actual fact by the Prime Minister), is ensured in the constitutional provision that they shall hold office during good behaviour and can be removed by the Governor General only after a joint address of both Houses of Parliament; in this guarantee is found a limited acceptance of the principle of separation of powers, for judges cannot be removed because their decisions happen to be disliked by the Cabinet, by Parliament, or by the people; they can conscientiously perform their judicial functions without fear or intimidation.

In addition to the political institutions embraced by the executive and legislative branches, the machinery of the government at the federal level includes the non-political public service consisting of employees of the state organized in 24 departments of government, some two dozen special boards and commissions, and about 45 Crown corporations or other agencies engaged in administering various public services under their respective statutes and ultimately accountable, through a Minister, to Parliament. Part III of this Chapter recounts briefly the administrative functions of the Federal Government under four Sections, the first three describing the financial administration of the Government of Canada, the functions of each department, board, commission, and of each Crown corporation (whether classified as departmental, agency or proprietary under the Financial Administration Act) and the fourth listing the principal Acts of Parliament grouped according to the department charged with the administration thereof.

Current government organization and the delineation of the respective policies and administrative functions of the Ministers and their Departments are outlined at pp. 127-139 and presented visually in the accompanying government organization chart.

Subsection 1.—The Executive

The Crown.—The British North America Act of 1867 (Sect. 9) provides that “the Executive Government and authority of and over Canada is . . . vested in the Queen”. The functions of the Crown, which are substantially the same as those of The Queen in