

Chapter 3

Government

3.1 Organization of the federal government

In any political system there are processes whereby people express their demands to the government; whereby priorities are established among those demands and policies formulated for their implementation; and, finally, whereby the policies are implemented. The institutions, both governmental and non-governmental, through which these processes are carried on vary from country to country and tend to evolve over time, so that in any given country the roles of the institutions in such processes also change over time. This Section describes the institutions of the Government of Canada and their current roles in the fundamental processes of the Canadian political system.

In most countries, the legal framework within which political processes take place is provided through a constitution. The written Constitution of Canada is embodied in the British North America Acts. The first of these Acts, passed by the British Parliament in 1867, not only established the institutions through which legislative, executive and judicial powers are exercised in Canada but also established a federal form of government. A central government — the federal government — has legislative jurisdiction primarily over matters of national concern and over those matters not otherwise assigned to the provinces. The 10 provincial governments are assigned specific areas of legislative jurisdiction including municipal institutions.

In Canada, there is a fusion of the executive and legislative powers as there is in Britain. Formal executive power in Canada is vested in the Queen, whose authority is delegated to the Governor General, her representative. Legislative power is vested in the Parliament of Canada which consists of the Queen, an appointed upper house called the Senate and a lower house called the House of Commons, elected by universal adult suffrage. The independence of the judiciary is safeguarded through the constitutional provision that superior court judges are appointed by the Governor in Council (i.e. by the Governor General on advice of the Cabinet) and that they hold office during good behaviour and are removable only by the Governor General on address of the Senate and the House of Commons. In other words, judges cannot be removed unless both Houses of Parliament, the Cabinet and the Governor General agree.

In the Canadian system of government, where the executive is part of Parliament, democratic principles could not be adhered to without the constitutional convention that the government is responsible to the House of Commons. When the government loses the confidence of the House of Commons, it must resign or the Prime Minister must request the Governor General to dissolve Parliament and call a general election. Although there are conventions that help in deciding when the government has lost the confidence of the House, all doubt is removed when the government is defeated on a motion on which it had explicitly staked its life or when a motion of non-confidence in the government is passed. If the government resigns, the Governor General can call on the Leader of the Opposition (who is usually the leader of the political party that has the second largest number of seats in the House of Commons) to form a new government. If a government that has lost the confidence of the House of Commons and is granted a dissolution is defeated in the ensuing general election and if no clear majority is elected, the government has two choices — it can remain in office and seek the confidence of the House of Commons when it meets or it can resign at once. If it resigns, the Governor General will normally ask the leader of another party, usually the one that has won the most seats, to form a new government. The primary responsibility of the Governor General in either circumstance is to provide the nation with a government capable of carrying on with the support of the House of Commons.

The Prime Minister and his Cabinet, who with one or two exceptions are members of the House of Commons, are, formally speaking, the Queen's advisers. In fact there are virtually no significant actions that can be taken by the Queen or her representative in Canada, the Governor General, without the advice of the Cabinet. The Prime Minister and his Cabinet determine executive policies and are responsible for them to the House of Commons. The Queen and the Governor General have the traditional rights to be consulted, to encourage and to warn the government.