

Determination of public policy rests with the Cabinet but begins generally with the formulation of policy by individual ministers. Working in co-operation with public servants, a minister formulates policy proposals for consideration by the Cabinet, which chooses those policies it wishes to implement. The Cabinet may itself formulate policies, but may also select a policy from among the alternatives submitted. A Cabinet committee system and, more especially, a Cabinet committee on priorities and planning, enhance the capacity of Cabinet in policy determination and priority setting.

In conformity with the principle of the rule of law, all executive acts must be authorized by law, and laws are enacted by Parliament. Executive acts may be carried out under a statute which specifies how a policy is to be implemented, or under a statute which authorizes the Governor-in-Council to undertake specific acts. Much of the activity of the public service is authorized through the yearly enactment of appropriation acts approving the expenditure of public funds for specific purposes. Apart from its concern with the appropriation of funds, Parliament is concerned with the discussion and authorization of policy submitted for its approval by the government. Approval of policies is mainly through the enactment of legislation. To enable the Commons to perform this role more efficiently, numerous changes in the rules of procedure were adopted in 1969 and are included in the standing orders of the House of Commons.

The most significant feature of these processes is that Cabinet ministers have seats in Parliament and thus share in the exercise of legislative power. In fact, the majority of legislation enacted by Parliament is submitted by the government; the British North America Act provides that all financial measures must originate in the Commons.

The role of the judiciary is to apply the laws enacted by Parliament. Because Parliament is supreme in the Canadian government, the judiciary must apply the law as Parliament has enacted it and cannot declare laws to be unconstitutional if they are within the legislative jurisdiction of Parliament or of the legislature that enacted them.

The administration of legislation and of the government's policies is carried out through a public service comprising employees organized as of 1977 in 25 departments of government and a large number of special boards, commissions and Crown corporations or other agencies. Legislation and tradition have combined to develop a non-partisan public service, whose employees' tenure is unaffected by changes in government. The only direct contact between public servants and Parliament occurs when they are called as witnesses before parliamentary committees; public servants do not, by convention, express opinions on public policy but usually appear as experts and to explain existing policy. Public servants who head agencies such as the Public Service Commission, the office of the auditor general, the office of the commissioner of official languages, the Library of Parliament or the office of the chief electoral officer are responsible directly to Parliament. They are not subject to direction by the government on matters of policy and may appear before parliamentary committees to explain the policies of their agencies.

Growth in number, variety and complexity of the demands placed on the government requires it not only to adjust its policies but to make significant changes in the organization of the public service so that required policies can be implemented. Major reorganization of the public service was authorized by the passage of a series of government organization acts in 1966, 1969 and 1970.

3.1.1 The executive

The Crown. The British North America (BNA) 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 (that is, the formal executive represented by the Queen), which are substantially the same as those of the Crown in relation to the British government, are discharged in Canada by the Governor General.

The Sovereign. Since Confederation Canada has had six sovereigns: Victoria, Edward VII, George V, Edward VIII, George VI and Elizabeth II. The present sovereign is not only Queen of Canada but of other countries in the Commonwealth. Her title for Canada was approved by Parliament and established by a royal proclamation on May 28, 1953; Elizabeth the Second, by the grace of God of the United Kingdom, Canada and