

action may originate from individuals, political parties or pressure groups; members of Parliament, cabinet ministers and public servants may take the initiative in suggesting the adoption of policies and programs in the public interest. Although the roles of Parliament, the public service and the cabinet cannot be defined precisely, the following description deals with the obvious and primary roles of each.

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 his colleagues in the cabinet. The cabinet chooses those policies it wishes to implement, may itself formulate policies, or may select a policy from among the alternatives submitted. A cabinet committee system which covers all aspects of modern government enhances the capacity of cabinet in policy determination, priority setting, and expenditure allocation, management and control.

Conforming 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 by means of an order-in-council under a statute which authorizes the Governor-in-Council to undertake specific acts. Much of the activity of the public service is authorized through yearly appropriation acts approving the expenditure of public funds for specific purposes. Apart from the appropriation of funds, Parliament is concerned with discussion and authorization of policy submitted for its approval by the government. Approval of policies is mainly through the enactment of legislation. The rules of procedure are included in the standing orders of the House of Commons.

A significant feature of the parliamentary process is that cabinet ministers have seats in Parliament and thus share in the exercise of legislative power. The majority of legislation enacted by Parliament is submitted by the government; the British North America Act (BNA) provides that all financial measures must originate in the Commons.

The judiciary applies the laws enacted by Parliament. Because Parliament is supreme in the Canadian government, the judiciary must apply the law as Parliament has enacted it, unless a law is declared to be unconstitutional, or not within the legislative jurisdiction of Parliament or of the legislature that enacted it.

Administration of legislation and of government policies is carried out through a public service comprising employees organized in a number of departments and ministries of government and a large number of special boards, commissions and Crown corporations and other agencies. Legislation and tradition have developed a non-partisan public service; employee tenure is unaffected by changes in government. The only direct contact public servants have with Parliament occurs when they are called as witnesses before parliamentary committees; they 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 changes in the organization of the public service so that required policies can be implemented. Major reorganization of the public service was authorized by a series of government organization acts in 1966, 1969, 1970 and 1976.

3.2 The executive

3.2.1 The Crown

The 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