

COUNTERPOINTS – SS11 NOTES

THE STRUCTURE OF CANADA’S GOVERNMENT

Intro

1. *government* = decision-making system
2. *traditions* = established rules and procedures
3. *institutions* = bodies or groups responsible for carrying out specific aspects of the government’s work, e.g. military, post office, police forces, schools

Foundations of our Government

1. Aboriginal people relied upon hereditary leaders whose positions were handed down through a clan or family; others chose leaders based on their wisdom, strength, and other abilities.
 - carried on from one generation to the next, not formally recorded or written into documents
 - were part of the oral (spoken) traditions of Canada’s First Nations
2. Our formal method of decision-making have their roots in the traditions of the nations of Europe.
 - European colonists brought their forms of government with them to North America
 - In Canada, the British parliamentary tradition became the basis for our national and provincial governments
3. *Democracy* = “rule by the people” (first practiced by the Ancient Greeks)
4. *Constitutional Monarchy* = recognition of a monarch (king or queen) as head of state
 - Canada has strong historical ties to Great Britain
 - Current monarch of Canada is Queen Elizabeth II, who is also the monarch of the United Kingdom and 16 other nations
 - The monarch is represented by the governor general
 - The Crown (monarch) is not involved in the everyday affairs of governing the nation, but has ultimate power to safeguard democracy
5. *The Canadian Constitution* = a legal document that outlines who should have the power to make various decisions.
 - the supreme law of the land
 - outlines the structure of our government and defines and limits the government’s power
 - powers and responsibilities of the monarch are subject to the laws set forth in the constitution
 - *The Written Constitution*
 - i. drafted in 1867 during Confederation, originally called the British North America (BNA) Act
 - ii. powers of the representatives of citizens, the federal and provincial governments, and the monarch were set out
 - iii. has 3 main parts:

- a description of provincial legislatures and Parliament
- a Charter of Rights and Freedoms that outlines the basic rights and responsibilities that all Canadians possess
- an amending formula, which sets out ways in which the Constitution may be changed or altered. Requires that the federal government and 7 of the 10 provinces agree on the proposed amendment or change. The 7 provinces must make up at least ½ of the total population of Canada
- *The Unwritten Constitution*
 - i. based on thousands of years of parliamentary tradition inherited from Britain
 - ii. e.g. no mention of political parties in the Constitution Act, yet they are an important part of how we govern ourselves

6. *The Federal System*

- Fathers of Confederation created an organization of regional governments (provinces), each acting on behalf of its own residents, with a central government in Ottawa responsible for matters vital to the nation as a whole (*federalism*).
- Areas that require a consistent national policy were made a federal (or central) responsibility.
- Provincial governments were given jurisdiction over areas “best handled locally”
- There are also areas of shared powers.
- Federal responsibilities also include control of “unknown possibilities” or advances in technology and issues related to debt and social security reform.
- Provinces have challenged the powers of the federal government; e.g. separatist movement in Quebec, feelings among provinces in the West and East that federal policies have always favoured the central provinces of Ontario and Quebec, which led to the creation of the Reform Party in 1987, which became the Canadian Alliance Party in 2000.
- *Municipal Governments*
 - Under the Constitution, provincial governments decide what form municipal governments take, their powers, and their responsibilities

6. *The Parliamentary System*

- executive power = the power to make decisions and administer them
- e.g. - municipal level – governments may inspect businesses and restaurants
 - provincial level – governments decide on the number of exams high school students must write
 - federal level – government may decide to purchase helicopters for national defence
- legislative power = power to make laws
- e.g. - federal government in Ottawa makes laws concerning funding for the armed forces
 - provincial government establishes the taxation rate for education
 - municipal government (town or city council) may pass by-laws to determine how to dispose of local garbage

- judicial power = power to interpret and administer the law
 - separate from the other 2 branches of government to ensure that the government acts within the boundaries of the Constitution and the laws of the land
 - power rests with the courts and judges, who act as both referees of private rights and interpreters of the Constitution

The Federal Government

1. *The Legislative Branch*

- made up of the governor general, the House of Commons, and the Senate = Parliament
 - Parliament must meet at least once a year in a *session*.
 - Parliament passes new laws, amends or appeals (removes) others, and debates issues of concern to Canadians.
 - During question period, opposition parties challenge the government's actions and raise issues they feel the government needs to address.
- *The House of Commons*
 - i. or Lower House, the only part of the legislative branch that has elected members.
 - ii. Elections must occur every 5 years, unless the prime minister calls an election at an earlier date.
 - iii. Canada is divided into areas that are roughly equal in population (100,000 citizens) called *ridings* or constituencies.
 - iv. Eligible voters in each riding elect one candidate to represent them in Parliament.
 - v. The total number of seats in the House of Commons is determined by the population in Canada.
 - vi. *The Speaker*
 - controls debates in the House of Commons
 - (an elected MP) is elected by the other members of Parliament
 - he/she oversees the impartial operation of the House, applying the rules of Parliament fairly and firmly to all members, including the prime minister.
 - vii. Opposite the government party (the group with the largest number of elected representatives) sit the opposition parties.
 - vii. Opposition's job is to scrutinize the actions of the government, help to ensure that the views of all Canadians are represented.
 - *How do MPs Vote?*
 - i. In private meetings (*caucus*) elected party members have an opportunity to discuss concerns and to express opinions freely.
 - ii. Party leaders explain their programs, policies, and actions.
 - iii. Once a decision is made in caucus, MPs are expected to vote in favour of the party's position in the House of Commons.
 - iv. The *free vote* allows members of the legislature to vote according to what they believe is best, rather than following the party position, but is rare.

- *The Senate*
 - i. or Upper House, is independent of the House of Commons
 - ii. It appoints its own speaker and runs its own affairs.
 - iii. The governor general appoints senators on the recommendation of the prime minister.
 - iv. Members must be Canadian citizens, at least 30 years of age, living in the province or territory that they represent, and own at least \$4000 worth of property.
 - v. Senators may serve until they are 75 years of age.
 - vi. Main role is to provide a final check on the legislation passed in the House of Commons.
 - vii. The Senate may also introduce bills (proposed laws), debate them, and send them to the Commons, although this is rare.
 - viii. Besides giving “sober second thought” to all bills, the Senate is meant to provide regional representation.
 - ix. Senate seats are allotted regionally on the basis of population, so provinces with greater populations have more senators.
 - x. Prime ministers often fill vacant Senate seats with supporters of their own party, as a form of *patronage* (reward) for their individual loyalty or support. This has led to accusations of favour vs. qualifications
 - xi. Close to 20% of senators are female; almost all members are from middle or upper levels of society.
 - xii. 1987 – amendment to the constitution was passed to allow recommendations for senators to come from the provinces.

2. *The Executive Branch*

- The Governor General
 - (monarch’s rep.) gives *formal assent* (agreement) to a bill before it becomes law, performs ceremonial functions, and acts as an adviser to the government to ensure it abides by the Constitution.
- The Prime Minister
 - *head of government*
 - asks the governor to name new judges and senators
 - decides on the best time to ask the governor general to call an election
 - chooses and changes Cabinet members to reflect the needs of the ruling government
 - has the final say in creating the policies of the government in power
 - *national leader*
 - addresses Canadians on issues of national concern and explains the goals of the ruling party
 - represents Canada on trips to other nations
 - speaks on behalf of all Canadians at international meetings
 - works with provincial premiers to coordinate and share responsibilities
 - *party leader*
 - spokesperson for his/her party

- gives out patronage appointments, rewarding loyal supporters with positions in the Senate, diplomatic corps, or government-operated businesses
- leads other party members in Parliament
- The Cabinet
 - o elected party members chosen by the prime minister
 - o each is given a responsibility for a particular government department such as defense or finance
 - o *cabinet solidarity* – show of full support for the PM and the decisions of government
 - o *party whip* – elected to ensure that members are present in Parliament to support party bills and vote in the legislature
- The Public Service
 - o also known as the civil service or the bureaucracy
 - o *public servants*
 - gather statistics, write details for new laws, represent Canada in other countries, carry out the laws, collect taxes, monitor the flow of imported goods, inspect food, process passports, deliver the mail, answer questions for citizens regarding government programs and policies, etc.
 - senior civil servants advise ministers and help draft new laws.

3. How a Bill Becomes Law

- Any member of the House of Commons or Senate may introduce a bill.
- If the member is not in the Cabinet, the bill is referred to as a *private member's bill*.
- A federal bill must pass three readings before it can be signed into law:
 - *first reading* - just a formality, introduced without debate
 - allows the opposition parties to see what is in the proposal so that they may prepare for later debates
 - allows the media to notify the public about controversial legislation
 - *second reading* - where the principle (idea) behind the bill is debated
 - if the bill passes second reading, a multiparty standing committee is assigned to study the bill clause by clause to work out the details, and then make its final recommendations on how to amend the bill.
 - citizens can make their views known through letters to the editors of newspapers and magazines, e-mails or faxes to their MP, radio phone-in shows, or organized protests or demonstrations.
 - *third reading* - the House accepts or rejects the amended bill, usually without too much debate
 - if accepted, it is sent to the Senate, where it goes through the same process of three readings.
- If a bill passes all three readings, it is sent to the governor general to be signed. Once signed, the bill becomes law.

Provincial/Territorial Governments

1. *premier* = provincial executive
2. *lieutenant-governor* = representative of the monarch
3. *legislature* is like the House of Commons (in Quebec it is called the National Assembly)
4. There is no provincial equivalent of the Senate.
5. Members elected to sit in provincial legislatures are called MLAs (members of the legislative assembly) or MPPs (members of the provincial parliament)
6. Bills that pass three readings in a provincial legislature are ready to be proclaimed into law by the lieutenant-governor.

- **Education** – to provide the basic skills required to be productive citizens in a democracy
- **Environment** – must consider the current demands for resources by industry and citizens, as well as the need to conserve resources for future generations; to find a balance between present and future use that will not have a negative impact on economic growth, employment, and the development of vital industries
- **Health Care and Social Welfare** – Health care is a shared responsibility, with the federal government providing some funding from its budget to the provinces and territories in exchange for national standards of health care. Hospitals, testing, long-term care, and other forms of health care are established and maintained by provinces and territories.
- **Transportation** – While provinces have primary responsibility for transportation, they must work closely with the federal government to coordinate the development of railways, public transit, and airports.
- **Negotiation with the Federal Government** – Through equalization and transfer payments, the federal and provincial governments share the costs of trying to ensure that Canadians enjoy a similar level of services across the country. Conflicts sometimes occur over which level should provide specific services, and the amount of revenue each should receive, e.g. from taxes and sales of natural resources such as lumber, oil, and gas.