

Branches of Government

We have previously learned that, because Canada is physically such a large country with so many different needs, it has developed a system of government that has three levels: federal, provincial and municipal, each level dealing with different areas of responsibility. In addition, the power of government is also divided into three parts:

1. **legislative:** the power to make laws
2. **executive:** the power to carry out laws
3. **judicial:** the power to find a person innocent or guilty; the power to interpret the law

To better understand the division of power into three branches, read the Application of Legislative, Executive and Judicial Power below-- one that you will undoubtedly be familiar with.



A Familiar Application of Legislative, Executive and Judicial Power

A good way to understand how power is divided into three branches is to think of your relationship with a teacher in a classroom.

A. In this scenario, the class is to be working on an assigned activity that is due the next day. However, very little on-task work is being accomplished. For the most part, students are socializing, walking around the class, distracting one another, and are generally unfocused. Your teacher announces, "For the remainder of this class, there will be no more talking or moving freely between desks in the classroom."

Your teacher has exercised his/her **legislative power**. He/she has made a rule: "There will be no talking or moving about in the classroom."

B. The class is quiet and working on task for a few minutes, until one student decides to challenge the new rule (not you of course) by turning to the pupils behind him/her and loudly engaging in conversation about an upcoming social event. After one or two unheeded warnings, the teacher tells the student, "Change your location to an isolated corner of the room away from other students."

This time your teacher has exercised his/her **executive power**. He/she has carried out the rule: No talking - move the student who is a distraction.

C. After another short period of time, there is some talking that occurs in the area around your desk. The teacher tells you to stop talking, to which you reply, "I wasn't talking. It was Jason." Now, what does your teacher have to do? With an entire class looking on, he/she has to decide whether the disturbance was caused by Jason or by you.

Your teacher is exercising his/her **judicial power**. He/she has to judge the guilt or innocence of you and/or Jason.

The powers your teacher exercised in the above reading were divided. Similarly, these powers have been divided by government in Canada, both at the federal and provincial levels.

Legislative: the power to make laws. This power is held in Canada by Parliament. Parliament is comprised of the House of Commons whose members are elected by the voters, and the Senate, whose members are appointed by the Prime Minister.

Executive: the power to carry out laws. At the federal level, this power is theoretically held by the Queen and Governor General as figureheads, but in practice carried out by the Prime Minister and the Cabinet. The Prime Minister is the leader of the majority party in the House of Commons; the Cabinet is formed by Ministers of Parliament (MPs) selected by the Prime Minister (PM) and usually come from the PM's own political party. Cabinet Ministers have a

responsibility for running certain departments of responsibility. At the federal level, these include Indian Affairs, Trade and Commerce, and Defence. They are helped in the day to day work by the civil service, employees of the government who do not change when the government changes.

At the provincial level, the executive consists of the Queen and Lieutenant governor, the Premier, Cabinet members, and civil servants.

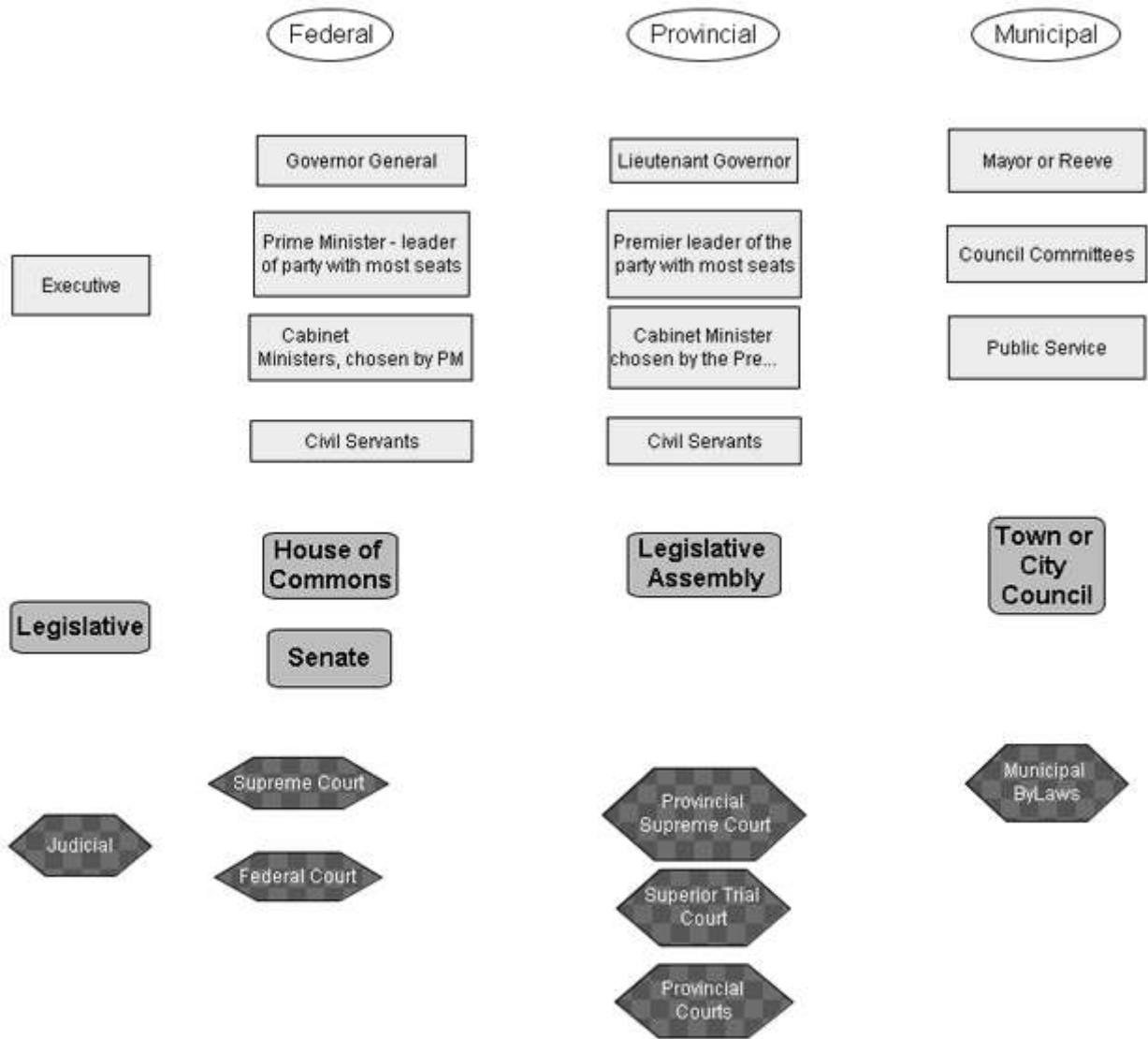
Judicial: the power to interpret the laws and settle conflicts. In Canada, this power is invested in our court system. The Supreme Court of Canada is the highest court in Canada. Moreover, there are other federal and provincial courts. Our courts are presided over by judges and supported by many people who work to help the judicial system run smoothly and fairly. You will study the judiciary in Canada in greater detail within unit 2.

Read the Branches of Government chart which illustrates both, i) how the **three levels of government** in Canada are set up, and ii) within each level how **power is divided among the three branches of government**.

Branches of Government Chart

View the Branches of Government chart below to see:

1. how the **three levels of government** in Canada are set up (view the top row horizontally and then scan down each level vertically to see the parts that make up its three branches), and
2. within each level, how **power is divided among the three branches of government** (view the first column vertically and then scan across each branch to see a listing of its parts).



QUESTIONS (TO BE HANDED IN)

1. In your own words, briefly describe each of the three branches of government.
2. Which branch do you think is most important of the three? Why?
3. Are any of the three branches able to overtake any of the other two?
4. What is one example of how all three branches can work together?

Branches of Government (Part II)

The Executive Branch: The Governor General, the Prime Minister, and the Cabinet

The Governor General

The Queen is the formal Head of State for Canada. She is represented federally by the Governor General and provincially by the Lieutenant Governors. The Queen appoints these positions on the advice of the Prime Minister or the Premier of the Province.



The Governor General usually serves for five years. He or she has a wide variety of responsibilities. One of the most important roles of the Governor General is to ensure that Canada always has a Prime Minister. For example, if the Prime Minister were to die in office, the Governor General would have to choose a successor.

The duties of the Governor General include opening and closing Parliament, reading the Speech from the Throne, and giving Royal Assent to bills passed by the House of

Commons and the Senate. The Governor General is also Canada's Commander in Chief of the Canadian Armed Forces.

Canada's current Governor General is David Johnston.

The Prime Minister



The Prime Minister is the leader of the party with the most seats in the House of Commons and is the Head of Government. A Prime Minister's duties include attending Cabinet meetings, meeting foreign delegations to Ottawa, and answering questions in the House of Commons. He or she represents Canada at international conferences and appoints Supreme Court judges, senators, and ambassadors, to name

only a few of the many appointments that are made by the Prime Minister.

A Prime Minister needs to have many qualities to be successful at the job. He or she must be an excellent speaker, well informed about world affairs, and willing to work long hours.

The Cabinet



The Prime Minister asks some members of Parliament to join the Cabinet. This is the name given to the group that decides what the government's policies should be. The Cabinet is made up of the Prime Minister and select M.P.'s who

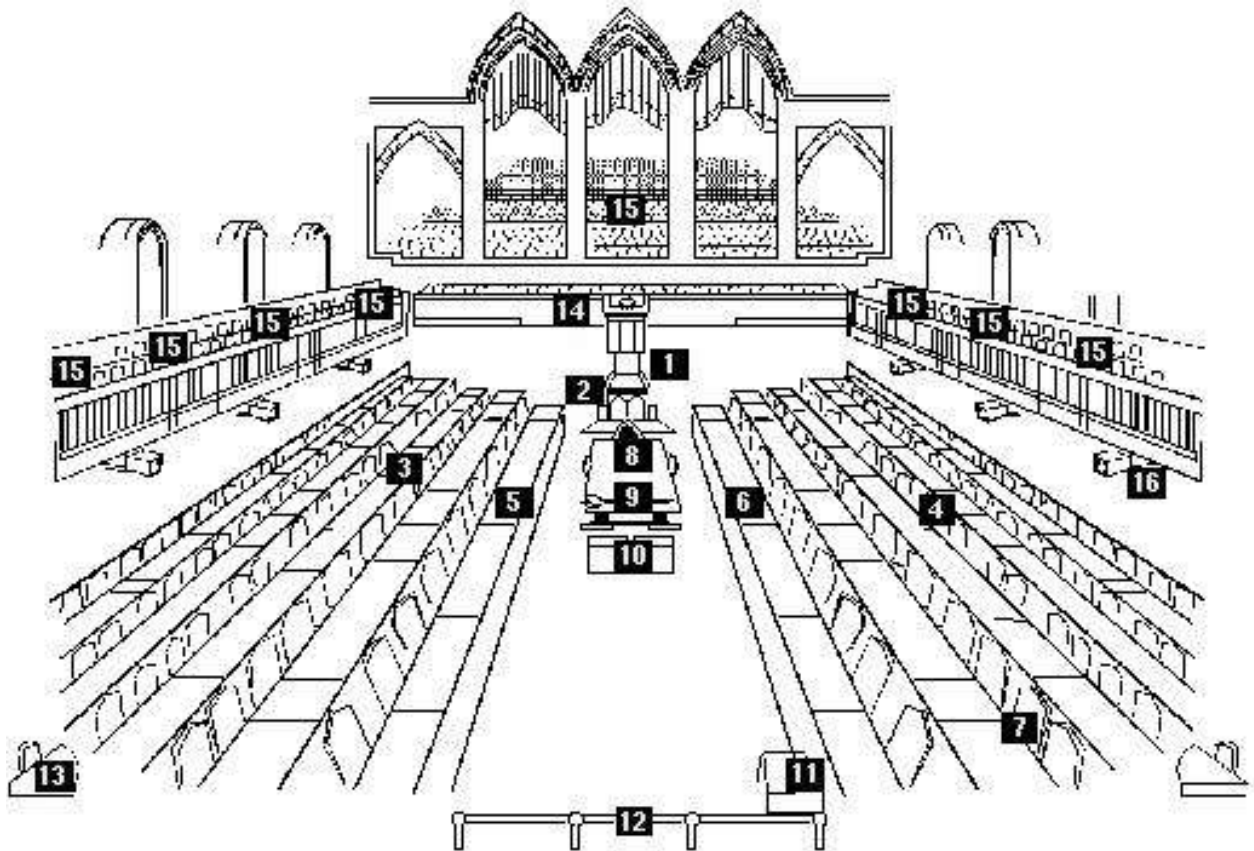
have special responsibilities. They are known as Ministers and are responsible for a department such as the Department of Agriculture. Along with their responsibilities as Members of Parliament, they must also run their department. This means that when there are questions concerning their department during question period, they will answer for the government.

There are a number of factors which the Prime Minister must consider when he or she is selecting the cabinet:

- provincial representation
- cultural representation
- religious representation
- economic representation
- gender representation
- minority representation
- party loyalty
- past performance of the MP
- personal loyalty to the Prime Minister

The Legislative Branches: the House of Commons and the Senate

The House of Commons



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|---|--|
| 1 Speaker | 13 Interpreters |
| 2 Pages | 14 Press Gallery |
| 3 Government Members | 15 Public Gallery |
| 4 Opposition Members | 16 Official Gallery |
| 5 Prime Minister | 17 Leader of the Opposition's Gallery |
| 6 Leader of the Official Opposition | 18 Members' Gallery |
| 7 Leader of the Second Largest Party in Opposition | 19 Members' Gallery |
| 8 Clerk and Table Officers | 20 Members' Gallery |
| 9 Mace | 21 Speaker's Gallery |
| 10 Hansard Reporters | 22 Senate Gallery |
| 11 Sergeant-at-Arms | 23 T.V. Cameras |
| 12 The Bar | |

The 308 Members of the House of Commons are the lifeblood of the parliamentary system. They are chosen to represent the people in their constituencies in general elections, held at least every five years. Members play active roles in the legislative process, contributing their ideas and energy to the creation of effective laws. Their involvement in House business extends to participation in standing legislative and special committees and dominates an otherwise busy schedule of meetings and constituency business. The Members of the House of Commons almost always belong to political parties.

If a party has enough members in the House of Commons to hold a majority of the seats in the House, then that party is asked by the Governor General to form the Government of Canada.

The diagram below illustrates what the inside of the House of Commons looks like. It tells you where everyone sits - those who are elected, those who work for the government, and those who come to visit. Look at the diagram carefully and complete the work below.

The Senate

The Senate is also known as the "Upper House of Parliament." The Prime Minister recommends the names of people to be appointed to the Senate by the Governor General. It is made up of people from all over Canada with many different backgrounds. We have had Senators who were hockey players, police officers, writers, nurses, and Aboriginal leaders.

To be a Senator, you must be a Canadian citizen, at least 30 years of age, and live in the province or territory you represent. A Senator must also own at least \$4000 worth of property. A Senator may serve until age 75.

There are usually 105 members of the Senate.

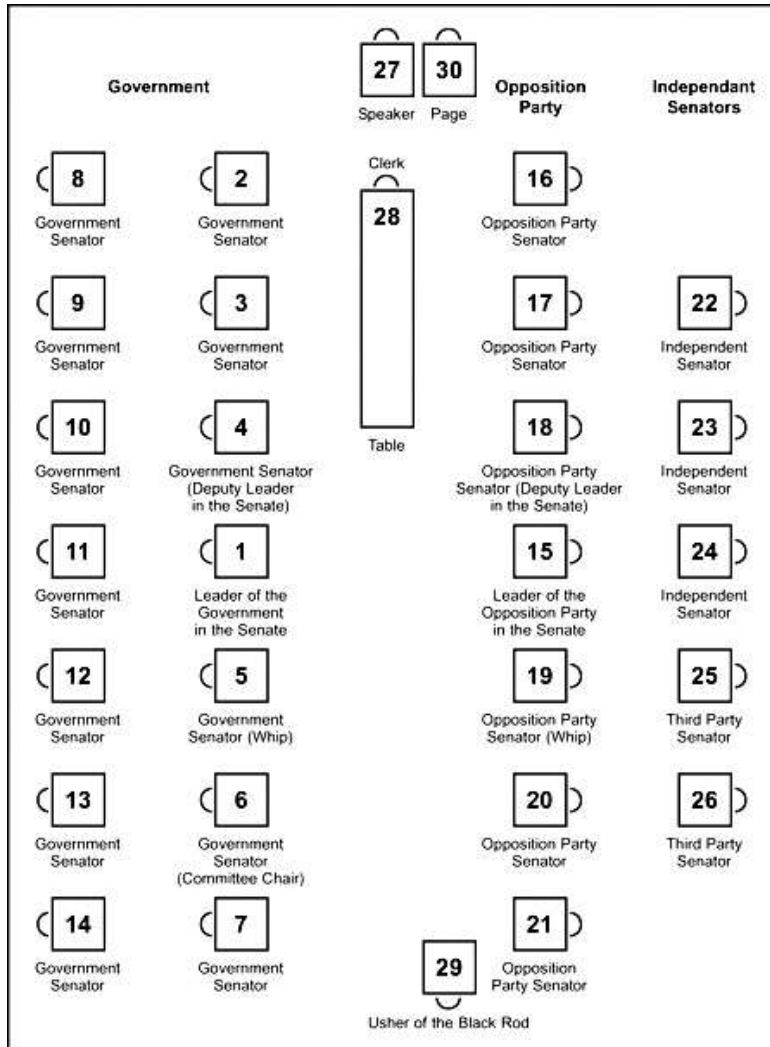
One of the major responsibilities of the Senate is to carefully examine all bills (which are proposed laws). They study the bills to make sure that they are the best they can be. No bill can become law in Canada unless the Senate approves.

Senators work on committees to study important issues, such as children's rights and poverty. They speak for those whose rights are often overlooked, such as children, veterans, the elderly, and the poor. Each year, Senate committees hear from more than 1000 people, hold an average of 400 meetings, and produce more than 100 reports.

The Senate is responsible for protecting the rights and interests of Canadians in all regions. This is why there is a certain number of Senators for each part of Canada. The distribution of Senators is as follows:

- Ontario and Quebec - 24 each
- Nova Scotia and New Brunswick - 10 each

- British Columbia, Alberta, Saskatchewan, Manitoba, and Newfoundland - 6 each
- Prince Edward Island - 4 seats
- Nunavut, Yukon and Northwest Territories - 1 each



QUESTIONS (TO BE HANDED IN)

1. Describe the function of the Governor General, Prime Minister, Cabinet, House of Commons, and the Senate. Which, in your opinion, holds the most power in Canada?
2. Why do some provinces get more Senators than others?
3. What are the responsibilities of the Senate and the House of Commons? How are they different? How are they the same?