

CHAPTER 5

You and Your Government

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FOCUSING ON THE ISSUES

Government is a ruling body that runs the affairs of the country, province, city, town, or district. You may not be aware of it, but government is involved in almost every aspect of your daily life. When you brush your teeth in the morning, or when you take the bus to school, government is there. If you doubt this, consider the following questions: Who ensures that our water is safe to drink? How are safety standards for buses decided?

Since government has such a great influence on our lives, we should all know how it makes its decisions. This means that we have to learn about the purpose, powers, and types of governments in Canada. To help you gain this knowledge, we will discuss the following questions in this chapter:

1. Why do we need government?
2. What can government do?
3. What types of government exist in Canada today?
4. How does decision making occur at the federal, provincial, and local levels of government?

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In Canada, citizens hold their governments accountable for the decisions they make. If citizens do not like the decisions made by a government, they may elect a new government in the next election. This means that the power of making decisions is actually shared by the citizens and the governments.

THE PURPOSE OF GOVERNMENT

As an individual, you have to make many decisions about how to live your life. What will you spend your money on, and with whom will you spend your time? As a member of a broad and diverse society, though, there are some decisions you simply cannot make on your own. For instance, how would you provide health care or education for Canadians? How would you defend your country from attack by another nation?

In Canada, just as in other nations, that is the role government plays — it has decision-making power over important issues such as health care, defence, and education. To exercise this power, the government makes laws and sees that they are carried out. At the same time, the government must allow people to maintain their sense of individual freedom. To balance public order with individual freedom, the Canadian government operates through cooperation, not force.

FIGURE 5-1
What role of government is shown in each photo?



Using Your Knowledge

1. Create a list of six questions about the purpose of government.
2. a) Create a list of 15 other things that governments in Canada do. Compare your ideas with those of two of your classmates, and discuss how the process of decision making is shared by the government and the people.
b) In a concept map, show your understanding of how government affects

your daily life. Include categories and specific examples to demonstrate your ideas.

Thinking It Through

3. Do governments always make decisions peacefully? Can you think of any examples of the Canadian government using force to govern? Is it ever right for the Canadian government to use force with its citizens? Under what circumstances?

THE POWERS OF GOVERNMENT

Canadian governments have great power over our daily lives, but it is given to them by the citizens of Canada through elections. Governments cannot seize and hold power by force in Canada. Once elected, governments are held to account for their use of power to benefit the nation as a whole.

In Canada, the powers of government are divided into three branches: executive, legislative, and judicial (See Figure 5–2). The Canadian Constitution states how this is done.

The Constitution

A constitution is a set of rules for the various levels of government to follow in their decision making. Our Constitution was originally passed into law in 1867 when the Dominion of Canada was created. Canada’s Constitution is based on the British model rather than on the long-established forms of government of Canada’s Aboriginal peoples.

The **amending formula** requires that the federal government and seven of the ten provinces agree on the amendment that is to be made. The seven provinces must make up at least one-half of the total population of Canada. These requirements are in place to ensure that the changes made have the support of most Canadians.

Fact Sheet: The Constitution

- The *Constitution Act, 1867* was originally called the *British North America Act*. It set out the powers of the federal and provincial governments.
- The Constitution contains a written part and an unwritten part (See Figure 5–3).
- The written part has three main sections:
 1. The *Constitution Act, 1867* describes the authority, parts, and functions of Parliament and the provincial legislatures.
 2. The *Canadian Charter of Rights and Freedoms* states the basic rights and some of the responsibilities of all Canadians. Further details on the Charter are found in Chapter 6.
 3. An **amending formula** sets out ways in which the Constitution can be changed.
- The unwritten part of the Constitution is made up of traditions based on the British system of parliamentary government: the recognition of the monarch as head of state, the office of the prime minister, and the political parties.

Executive Power

This is the power to administer and enforce the laws of the country. Different levels of government inspect businesses and restaurants, set the number of examinations high school students must write, and purchase tanks for national defence.



A meeting of provincial premiers

Legislative Power

This is the power to make laws. The federal, provincial and territorial, and municipal governments all have the power to make and amend laws, many of which have a direct impact on your life. For example, the federal

government in Ottawa makes laws in Parliament concerning funding for the armed forces; your provincial government establishes the taxation rate for education; and your town or city council determines how to dispose of local garbage.



Inside the Manitoba legislature, Winnipeg

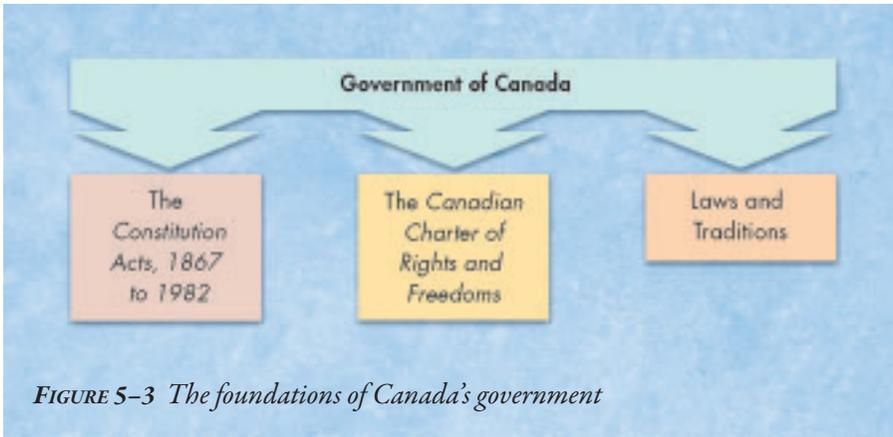
Judicial Power

This is the power to decide who has broken the law and what penalties they will be given. The executive and legislature do not hold this power directly. Judicial power rests with the judiciary: the courts and judges in Canada. They interpret the meaning and intent of the laws.



The Law Courts building in Winnipeg

FIGURE 5-2 The three powers of government



Inquiring Citizen

4. a) Investigate the Constitutions of Great Britain and the United States, and compare them in three or four ways to

Canada's Constitution. Are they written or unwritten?
 b) Who assumed the right to write the Constitution? Were any groups excluded from this process?

Stepping Stones to a Canadian Constitution

1864

Representatives from Upper and Lower Canada (Ontario and Québec), Nova Scotia, and New Brunswick met in Charlottetown and Québec City to draw up the *British North America Act*.

1867

The *British North America Act* was passed by the British Parliament, legally creating the country of Canada.

1931

Britain passed the *Statute of Westminster*. This statute gave Canada full legal independence and the right to amend most of its own Constitution, the *BNA Act*.

1860s

1920s-1980s

1930s

1927-1980

There were ten unsuccessful rounds of negotiations between the federal and provincial governments to make Canada's Constitution independent of Britain.

1981

After decades of debate and delay, Canada completed the process needed to make the Constitution independent of Britain.

1982

Queen Elizabeth proclaimed the new Constitution. The *BNA Act* became the *Constitution Act, 1867*.

Active Citizenship

Governor General Michaëlle Jean

Michaëlle Jean was born in Haiti. When she was still a young child, she and her family left Haiti and sought refuge in Canada. As an adult, she has been a respected journalist and host for Radio-Canada. She has been involved in support for shelters for battered women. She was also involved in aid organizations for immigrant women and families and later worked for Employment and Immigration Canada.

WHAT TYPE OF GOVERNMENT DO WE HAVE IN CANADA?

The system of government in Canada today is based largely on the British form of government. Because of its organization and functions, our government can be described in four ways. We have a constitutional monarchy, a federal system, a party system, and a representative democracy. We will examine each of these aspects.

Constitutional Monarchy

Canada follows the British political tradition which recognizes the **monarch** (king or queen) as our head of state. The current monarch of Canada is Queen Elizabeth II, who is also the monarch of the United Kingdom of Great Britain and Northern Ireland. In addition, she is monarch of sixteen other Commonwealth nations that adopted British political traditions and practices. Queen Elizabeth does not rule Canada or any other Commonwealth nation directly. In fact, she has little power. Even the **Governor General** — her representative in Canada — has a largely symbolic role.

FIGURE 5-4
Governor General
Michaëlle Jean



The Governor General is appointed by the monarch on the advice of the Canadian government and performs a number of ceremonial acts, including

- opening Parliament and reading the Speech from the Throne, which outlines the government's plans for that session of Parliament;
- giving **royal assent** to bills;
- appointing officials;
- greeting foreign leaders and dignitaries; and
- formally acknowledging the contributions of Canadians with awards and medals.

The actual governing of our nation is done by the people we elect to represent us. Together these people form what is known as a federal system of government.

Federal System

Canadians have common needs such as security, work, education, and health services. However, depending on the region where we live, economic, social, and cultural needs may differ.

To better provide for the regions of Canada while also looking after the common needs of the nation, the Fathers of Confederation created a federal system of government in 1867. Under this system two levels of government were formed: the federal Parliament and the provincial parliaments. Decisions made on behalf of all citizens of Canada are handled at the federal level, in Ottawa. Decisions made on behalf of the people of a particular province are handled at the provincial level.

The Fathers of Confederation had difficulty deciding exactly how to divide the responsibilities and which level would be more powerful — the provinces or the federal government. In the end, they chose to give more power to the federal government. In part, this was done because so many issues require a consistent national policy. These include matters dealing with national security, money, and the postal system.

Other areas of decision making that were not listed in 1867 were given to the federal government as **residual powers** (Section 91, the *Constitution Act*). This issue will be treated later in this chapter.

As more provinces joined the new nation of Canada, they too were granted provincial powers. The ten provincial parliaments are called legislatures, except in Québec, where the parliament is known as the National Assembly. Provincial parliaments look after regional needs as outlined in the *Constitution Act*, Section 92. A further division of powers has occurred as provinces have created a third level of government, **municipalities**. Of the three levels of government, these local governments have the closest contacts with individual citizens.

Royal assent is the approval given to legislation by the monarchy as represented by the Governor General.

Residual power is power that remains with one level of government after it has distributed specific powers to other levels.

A **municipality** is a city, borough, or town with its own local government.

Party System

Most of the people who represent you at the federal and provincial or territorial levels, as well as some of those at the local level, belong to a **political party**.

A political party is a group of people who have common beliefs, ideas, and plans about the best way to govern. The party asks us to vote for its candidates in a federal or provincial riding or, sometimes, in a municipal ward. If enough party candidates are elected, it may form the government and use its ideas to make government policy. Each party will take a clearly defined position on current issues. In this way, political parties represent the different views Canadians hold and try to pass laws to reflect those views.

Political parties may be active in all three levels of government or only one or two levels. Three major political parties are actively involved in federal and provincial government: the Conservative Party, the Liberal Party, and the New Democratic Party. In Québec, separatists are active at the federal level as the Bloc Québécois. At the provincial level, they are the Parti Québécois.

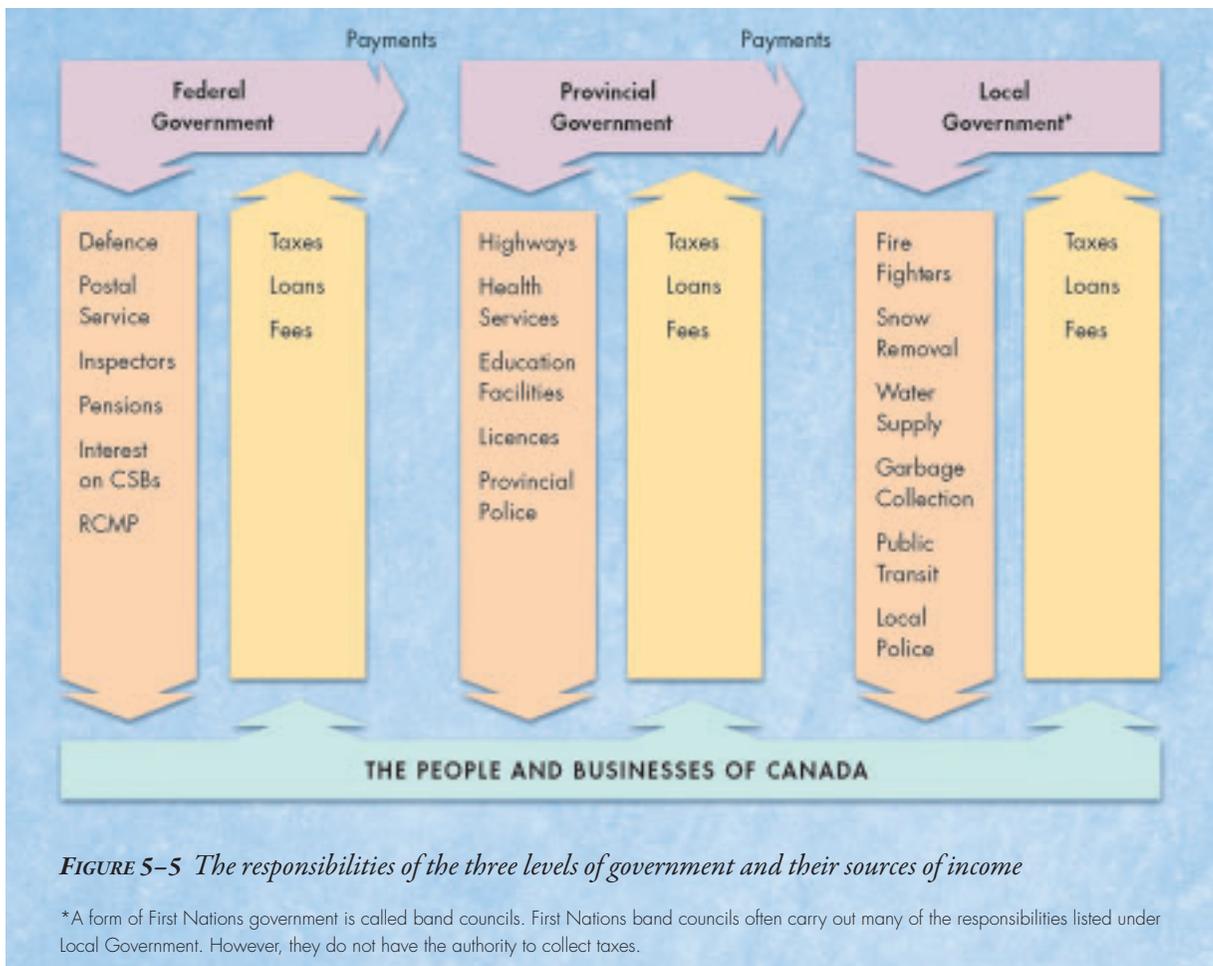


FIGURE 5-5 The responsibilities of the three levels of government and their sources of income

*A form of First Nations government is called band councils. First Nations band councils often carry out many of the responsibilities listed under Local Government. However, they do not have the authority to collect taxes.

Representative Democracy

Canada is a **democracy**, which means that the people govern the nation.

In modern systems of democracy, direct involvement by each citizen is impossible. There are too many decisions to be made and too many citizens. The citizens of Canada give their individual power to elected representatives who act on their behalf. This is called representative democracy. The authority to use this power remains with the elected official until the official resigns or is voted out of office.

Organize and Understand

5. Work with a classmate to create a chart to show the various fees and taxes charged by the three levels of government.
6. Should we in Canada continue to recognize the British monarch as our head of state? Record your ideas.

Inquiring Citizen

7. The Canadian government has recognized Aboriginal self-government as a constitutional right. Investigate the form of government of one of Canada's Aboriginal peoples. (You will learn more about Aboriginal self-government in Chapter 6.)

THE THREE LEVELS OF GOVERNMENT

The federal, provincial and territorial, and municipal levels of government influence your daily life in obvious and subtle ways. Decisions made by First Nations band councils also affect Aboriginal communities.

For further information on government, see the link on our Web site at www.pearsoned.ca/ccw



Inquiring Citizen

8. Find recent newspaper articles showing how decisions of the federal, provincial and

territorial, and municipal governments affect the lives of Canadians. Discuss the effects of government action in class.

THE FEDERAL GOVERNMENT

Each level of government has three branches: the executive, the legislative, and the judiciary. The federal government serves as the model for the way these branches operate in the other two levels of government.

The Executive Branch

The executive branch of the federal government consists of the monarch (represented by the Governor General), the prime minister, and the Cabinet. Although the *Constitution Act* declares that the monarch holds executive power and authority, it is the prime minister and the Cabinet who actually run the daily affairs of the federal government. The Governor General, who normally holds office for five years, acts as an adviser to the government.

The Prime Minister

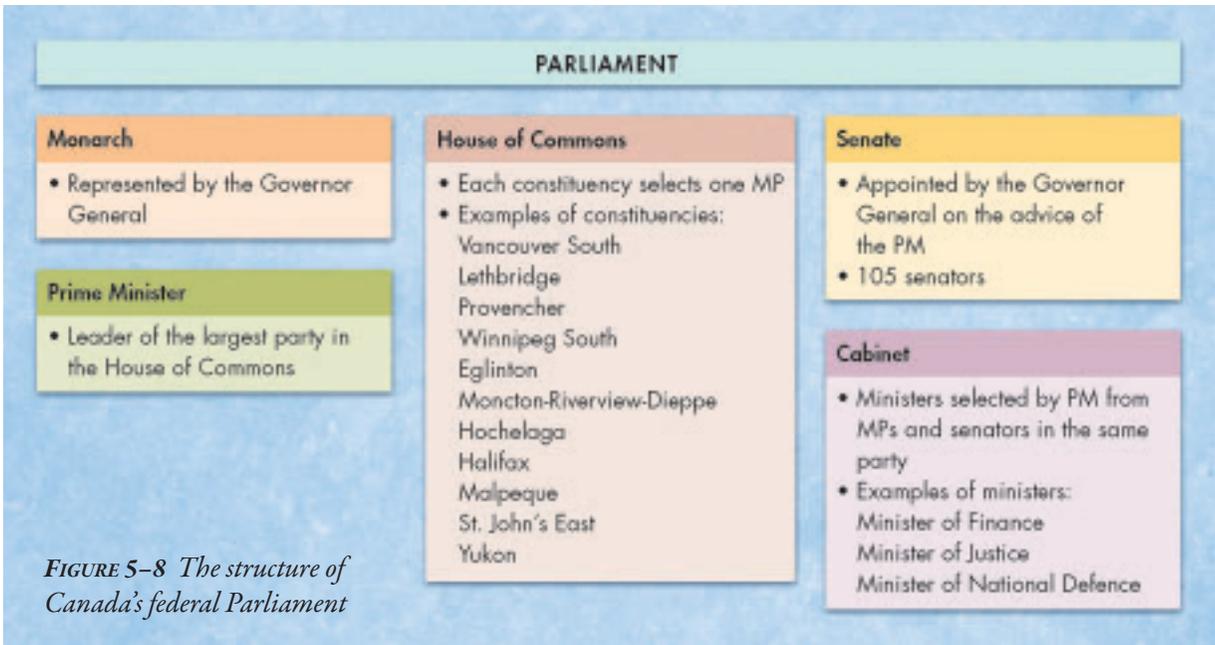
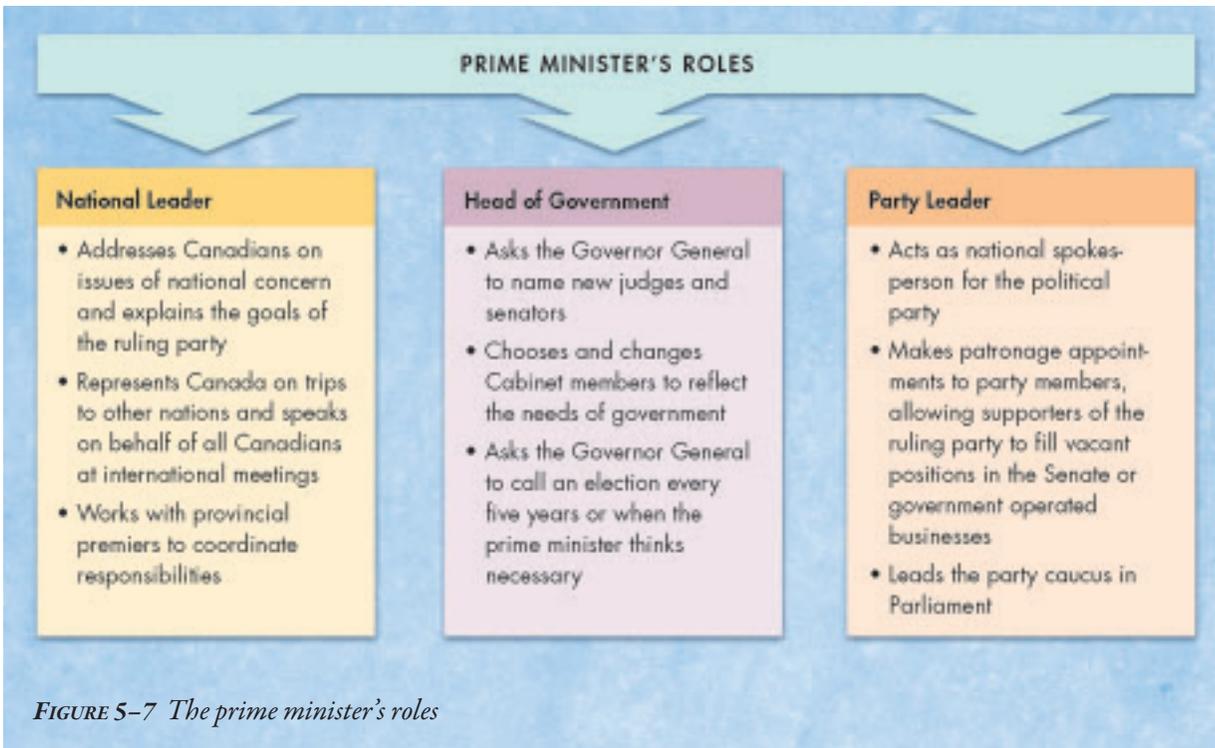
In Canada, citizens do not directly choose the leader of their nation. Instead, the leader of the party with the most elected representatives to the House of Commons becomes prime minister.

The prime minister (PM) plays several important roles in the federal government. These include acting as the head of the government, as the leader of the nation, and as the leader of a national party. Figure 5–7 shows some of the prime minister’s roles.

The prime minister’s job is complex and difficult. To help complete the tasks efficiently, a special group of aides, collectively called the Prime Minister’s Office (PMO), works directly for the prime minister.

FIGURE 5–6
*Prime Minister
Stephen Harper*





Using Your Knowledge

9. Employers often use a detailed job description when searching for candidates for important positions. This is done to attract the best people for the job and to inform applicants of the demands of the role. Write a detailed job description for the job of prime minister, including personal qualities and characteristics you think are important for the job.

Inquiring Citizen

10. Select two of Canada's prime ministers, and examine the policies and actions of each in one of the following areas:
- French-English relations
 - Canadian-American relations
 - government support of Canadian culture
 - patronage** appointments
 - international trade and investment
- In your view, which federal leader was a better prime minister? Why?

Patronage is a favour granted by a government in return for political support.

A **caucus** is a private meeting of the members of the same political party. At the federal level, the caucus consists of party members who have been elected to Parliament. The term comes from the Algonquin word for adviser.

The Cabinet

The prime minister chooses a Cabinet from fellow party members who have been elected to Parliament. The prime minister tries to select people who are good leaders and who reflect the cultural, linguistic, and social diversity of the nation. Usually, each cabinet member is given responsibility for a department of the government.

As head of a department, the Cabinet minister:

- asks department members to draw up proposals for new laws to send to Parliament;
- asks for the advice of department members on problems being examined by Cabinet;
- assumes responsibility for the actions of the department;
- presents the department's budget to Parliament and monitors the budget once it has been approved; and
- speaks on behalf of the department and Parliament in public.

Under the leadership of the prime minister, the Cabinet discusses important decisions that the government must make. The Cabinet decides which proposed laws, or bills, the legislative branch will be asked to approve. In **caucus** meetings, individual members may express dissenting views and even question the leadership of the prime minister. Publicly, however, each Cabinet member has to display unqualified support for the prime minister and for the decisions of the Cabinet as a whole. Cabinet ministers who cannot accept the decisions of the government are expected to resign.

Today cabinet ministers and other elected officials must operate in a more open manner. In Chapter 7 we examine how greater access to government information and other reforms work to make government more responsive to public and media pressure. These reforms promote a more ethical, democratic form of government.

The powers of the prime minister and Cabinet extend beyond the executive branch and into the legislative branch of the government. This is because they introduce bills that eventually become laws. For this reason, it is especially important that the Cabinet represent the entire nation. Three significant Cabinet posts are briefly outlined in Figure 5–9.

The Minister of Finance The Minister of Finance prepares the federal budget and plays a major role in managing our economy. The minister makes recommendations about taxes, the funding of government services, and the Canadian economy as a whole.	The Minister of National Defence The Minister of National Defence oversees the armed forces and meets with other NATO leaders on issues of collective security and international defence. The minister also presents the budget requests of the armed forces to Parliament.	The President of the Treasury Board The President of the Treasury Board supervises government spending. All proposed bills must be cleared by the Treasury Board. This is done to be sure there is enough money to support the costs of the proposed bills.
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FIGURE 5–9 Responsibilities of three Cabinet ministers

The Public Service

Unlike the elected members of the executive branch of the federal government, the **public service** is a group of permanent employees who perform the tasks of the “business of government.” They do not run for office and are not chosen for their political beliefs. Public servants

- work for a government department; they provide the minister with information on current problems and issues;
- carry out the laws; they collect taxes, monitor the flow of imported goods, and inspect food;
- process passports, deliver the mail, and answer questions citizens ask about government programs and policies.

The **public service** sector is often referred to as the civil service or the bureaucracy of our government.

Using Your Knowledge

11. Using words and pictures, summarize your knowledge of the executive branch of the government. Show what differences there are among the Governor General, the prime minister, the Cabinet, and the public service.

Thinking It Through

12. Should Cabinet members be chosen to represent many regions and groups in Canada, or should members be chosen on ability alone? Consider the following examples:

a) A brilliant, capable Member of Parliament (MP) is left out of Cabinet because a region is already represented by more senior party members.

b) Among the MPs from a particular region, only one belongs to the party in power. This MP is nineteen years old and has never held political office before but is automatically chosen for Cabinet.

Explain what choices you would have made in each of these situations if you had been the prime minister.

Inquiring Citizen

13. List the names of the present members of the federal Cabinet and the region of Canada each represents. Identify other characteristics or qualities that may have persuaded the prime minister to appoint each member. Do you think this Cabinet represents Canada accurately? Why or why not?

There are two ways to introduce a bill into the House of Commons. First, bills are introduced through the Cabinet. Second, bills can be introduced by MPs who are not in the Cabinet, but these private Members' bills rarely become law.

The elected representatives make up the lower house, or **House of Commons**, of the federal legislature.

The Legislative Branch

The legislative branch of the federal government is composed of the monarch (represented by the Governor General), the House of Commons, and the Senate. This branch can make, change, or repeal (remove) any federal law. A proposed law put forth by the House of Commons and the Senate is called a **bill**. See Figure 5–11 for an outline of the law-making process.

The House of Commons

Which is the more powerful part of the legislative branch, the House of Commons or the Senate? The **House of Commons** is more powerful. Its members are elected. The prime minister and most of the Cabinet sit there. The Senate is appointed by the prime minister and has few Cabinet ministers.

Whom do the MPs represent?

They represent the people of the various **constituencies** of Canada. Our nation is divided into areas roughly equal in population called constituencies or ridings. In any election, there might be several candidates in each riding, each from a different party. They seek to win and represent the people of a constituency.



FIGURE 5-10
*The House of Commons
in Ottawa*

How is the winner determined?

The candidate who wins the most votes becomes the Member of Parliament for that constituency. As an elected representative, the MP represents all of its people, those who voted for or against the candidate.

How often are elections?

Elections must occur every five years after the previous election. The prime minister may ask for one sooner.

How is the number of seats in the House of Commons determined?

The total number of seats for each province or territory is determined by the province's population. If the share of the total population of Canada goes up, then the number of seats in the House increases. In 1995 there were 295 seats. In 2006 there were 308. Population figures are based on a country-wide census taken every ten years.

How often does the House of Commons meet?

The House of Commons must meet at least once a year in what is called a session. To conduct the business of the Commons, such as the discussion of bills, our MPs must be in session many months of the year.

Who may introduce a bill in the House of Commons?

Any member may introduce a bill. When an MP who is not a Cabinet member introduces a bill, it is referred to as a private Member's bill. Ideas for a bill may come from a number of sources, such as a group of citizens. Few of these bills pass into law, however, because any bill needs a great deal of support from the parties in the House. As a result, most bills are government bills, introduced by a Cabinet minister.

Active Citizenship

E-mail Your MP

Write a letter to your MP. Ask questions about the role of an MP and about how the MP can have a direct effect on your life, or prepare questions and invite an MP to visit your school. Get permission to videotape the session. Make a CD for parents, the library, and yourself.

Who controls debate and the passage of a bill?

Debates are controlled by the Speaker of the House. The Speaker is also an MP elected by other MPs and has a wide range of duties.

What are the most important of these duties?

Most of all, the Speaker applies the rules of Parliament fairly and firmly to all members, including the prime minister. The Speaker acts as peace officer and judge, keeping order and ensuring that the rules of the House are enforced.

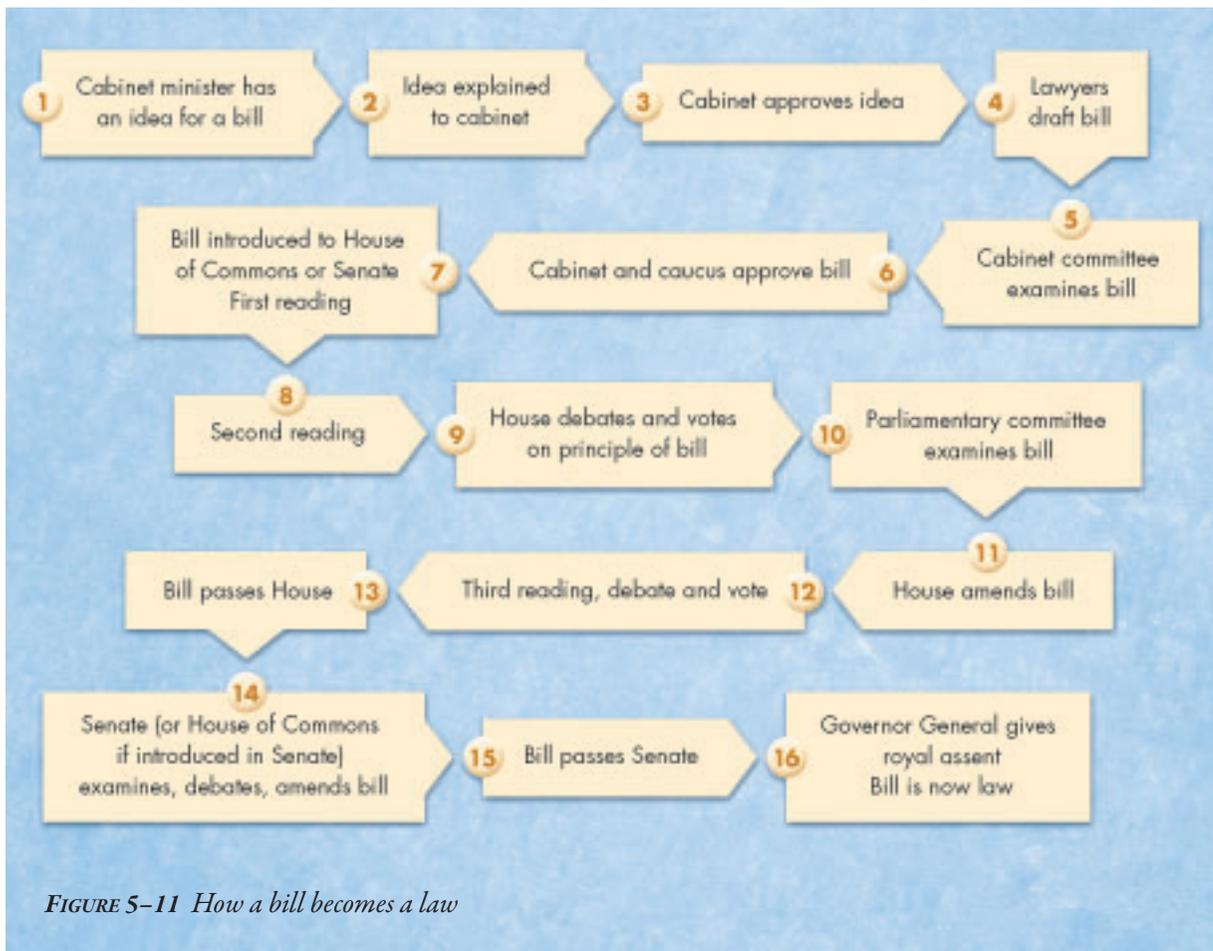


FIGURE 5–11 How a bill becomes a law

CASE STUDY

Tina Keeper on the Role of the MP

Tina Keeper, member of the Liberal Party, was elected as MP for Churchill in 2006. Keeper provided the following information about some of her functions as an MP.

Representing my riding requires a great deal of coordination with routine parliamentary activities and meetings, among many other responsibilities. I was elected as a representative under the Liberal Party of Canada, which is the Official Opposition. My top priorities are to represent my party's ideologies, listen to the interests of the constituents in my riding, and reflect their views in our nation's capital.

To best reflect the values and opinions of the constituency, I use various avenues of communication. For example, with the help of my assistants, I often mail pamphlets on important issues streaming through the government in order to help keep people informed. The pamphlets may contain several articles that give briefings of events and current debates taking place on Parliament Hill. Moreover, the Internet is also becoming a great way to stay connected with the constituents, since various websites can keep people informed on current issues and aid in building relationships between me and the people in my riding. Making contact with citizens in this way is very beneficial. I want people to know that I am available and accessible for them to express their opinions.

In addition, I am actively involved with many committees. Committee meetings are held throughout the week, and they allow MPs to focus on certain issues in more detail. For instance, at the moment, I am a regular member of the Standing Committee of Public Safety and National Security and an associate member of many other committees such as Aboriginal Affairs and Northern Development, Health, and Status of Women.

When I am not on Parliament Hill, I have the opportunity to travel and visit the communities throughout my riding. There, I work on local cases involving issues that fall within the federal juris-

diction such as immigration, income taxes, and employment insurance. I am often busy meeting with and assisting community groups and citizens whenever and wherever I am able to.

Finally, though I am a member of the Liberal Party of Canada, I have to keep the interests of my constituents in mind above all, no matter how they compare to the policies of my party or the policies of the government of the day.

Ultimately, I work on issues and matters relevant to my fellow constituents. I take great pride as an elected Member of Parliament in voting in their favour and serving their interests.



FIGURE 5-12 Tina Keeper

Using Your Knowledge

14. Examine Figure 5–11.
 - a) In your opinion, why are so many groups and individuals involved in making a new law?
 - b) What advantage do you see in a bill coming before the Cabinet and caucus before it proceeds further?
15. Raise issues of concern about your federal riding or other questions about the way the government operates. Consider topics such as changing our national defense, improving pensions and social welfare payments, creating a better postal service, improving the role of the RCMP in Manitoba, making the public service more efficient, changing the way cabinet appointments are made, and other choices of your own.

Organize and Understand

16. List the various tasks that make up the role of an MP. Which of those tasks did you

know about before reading this chapter? Which tasks were unknown to you?

17. Write a short paragraph in your notebook beginning with the statement “If I were to become an MP, I would have to...” Describe how you would act to be an effective representative of your constituents.

Thinking It Through

18. Members of Parliament face a number of challenges in fulfilling their role. One of these is deciding whether to follow the wishes of their party or the wishes of their constituents when the wishes conflict. Another of these challenges is deciding whether to follow their own conscience or the wishes of their constituents. Think about some of the possible difficulties an MP might face where wishes conflict. What do you think an MP should do? Explain your decision, providing examples to support your opinion.

The Opposition

In the House of Commons, Members sit with the party to which they belong. Opposite the government party, which is the party with the largest number of elected representatives, sits Her Majesty’s Loyal Opposition. The Opposition is made up of all the MPs from parties other than the party in power. The leader of the second largest party in the House usually becomes the official leader of the Opposition.

The Opposition is expected to criticize and closely scrutinize the actions of the government in power. This does not hurt the functioning of the government or the democratic process. Rather, this criticism is an important part of the governing process. It helps to ensure that the views of all people are represented and not overlooked. Many of the bills passed in Parliament do so with the full support of the Opposition.

The Senate

The **Senate** is the Upper House of Parliament. This name for the Senate comes from the time when the British House of Commons was filled by “commoners” or “lower class” persons of British society. Lords and others belonged to the “upper class” and sat in the “Upper House.” This Upper House is independent of the House of Commons, appointing its own Speaker and running its own affairs. It provides regional representation and serves as a forum for discussing issues related to regional concerns. It now has 105 members.

The Senate takes part in the passing of bills, following the same procedure of three readings as in the House of Commons. It performs an important function in providing “sober second thought” to all legislation previously passed by the House of Commons. In this way the Senate acts as a check on the power of the Commons by rejecting bills and by recommending amendments and adjustments to bills still being considered in the Commons. The Senate may also introduce bills itself, pass them, and send them to the House of Commons. In recent years, however, critics have questioned the usefulness and effectiveness of the Senate. In Chapter 6 we examine these criticisms and the attempts at reform of the Senate.

Fact Sheet: Senators

- In addition to serving in the Senate, senators also fulfill roles in committees, diplomatic missions, and government task forces.
- They are appointed by the Governor General on the recommendation of the prime minister.
- Once appointed, members of the Senate may serve until they are seventy-five years of age.

Organize and Understand

19. On the basis of what you have read, describe the role of the Opposition in our system of government.
20. Draw a chart that compares the House of Commons and the Senate, using the following categories: a) How Members Are Chosen; b) Members' Terms of Office; c) Members' Duties; d) Number of Members; and e) Requirements for Membership. Include any other categories you consider important for making comparisons.

Thinking It Through

21. With a classmate, discuss the ways in which the role of the prime minister is distinct from the role of an MP.

Inquiring Citizen

22. Watch Question Period on television and identify the issues that the Opposition is emphasizing. Write down a description of

the government party's reactions and responses to the questions raised by the Opposition.

23. Investigate the origins of the terms "Upper House," "the Commons," and "the Senate."
24. Watch a televised session of the House of Commons.
 - a) Identify the prime minister and the leader of the Opposition. What similarities and differences do you notice?
 - b) What issues are being raised or debated? Who is raising these issues? How are statements made and questions asked?
 - c) Describe the atmosphere of the House of Commons — what is the tone or the mood?
 - d) How do MPs show their support for their party and for points made by other MPs? How do they show their displeasure?

The Judicial Branch

The judicial branch consists of the Supreme Court and the federal judges of Canada. In Canada, this branch is kept separate from the legislative branch. Problems could arise if Parliament had the authority to interpret the laws it makes. In disputes between the government and individuals, the government might rule most often in its own favour. For this reason we have courts that are independent of Parliament.

The Supreme Court of Canada is the highest court in our nation. It interprets the meaning of the laws and our Constitution, and it acts as a court of last appeal. The members of the Supreme Court are appointed by Parliament, based on their service to the legal system and the people of Canada. Provincial courts are more directly involved with the lives of most Canadians. More details about the courts and the judiciary can be found in Chapter 6.



FIGURE 5-13
*The Supreme Court
of Canada, Ottawa*

Economic Growth and Unemployment

The strength of a nation's economy determines the number of people who are employed in that nation. The more people employed, the less pressure there is on the federal government to help private businesses create jobs or to provide social assistance for citizens in need. In 2006 Canada's unemployment rate was 6.1 percent, the lowest since 1974. This rate still meant that more than one million Canadians who sought work were unable to find employment. As a result, the federal government is facing increasing pressures to stimulate our economy so that more long-term jobs are created.

National Debt and Deficit

Our federal government, like any citizen or business, spends money on goods and services. Like any individual or business, our government must also pay for the debts it incurs. Over a period of years, unpaid debts mount to form the national debt. Since 1998 the government has operated within its budget. It has not had a deficit. The government, however, still faces difficult choices between how many services it will provide for Canadian citizens and how many services Canadians must provide for themselves or do without. Services in question include youth employment counseling and social assistance programs.

First Nations Self-Government

In 1982 the Canadian Constitution guaranteed the rights of Aboriginal peoples. The nature of these rights, however, was not stated in detail. A series of conferences have been held since 1982 in an attempt to define the rights of Aboriginal peoples and their powers for governing themselves. First Nations peoples are seeking a restoration of the type of self-government they practised for centuries and the inclusion of such powers in the Constitution. There has been much debate over the meaning of self-government and how powers will be redistributed. This issue is treated in more detail in Chapter 6.

FIGURE 5-14 Challenges for the federal government

PROVINCIAL AND TERRITORIAL GOVERNMENTS

When Canada became a nation in 1867, the four provinces that entered Confederation each had a distinct and well-developed sense of identity. For this reason, they sought to keep certain powers and responsibilities while allowing the new federal government to hold others. Our Constitution gives provincial legislatures the right to pass laws on a number of matters, most of which are purely regional. This means that these matters are significant to the lives of the people of a specific region of Canada, rather than to all Canadians or the nation as whole.

Active Citizenship

Y.E.S. (Youth Employment Services Manitoba Inc.)

Finding out about and using provincial services is an example of active citizenship. Y.E.S. is the Manitoba agency that provides employment-related information such as counseling and career planning. It also offers job search assistance to unemployed, at-risk youth between the ages of 16 and 29.

The **Lieutenant-Governor** is the representative of the Crown at the provincial level of government. This person advises the government in power, especially on proposed bills.

The Executive Branch

The provincial and territorial governments are modelled after the federal government, each with an executive, legislative, and judicial branch. The provincial executive has the same structure as the federal executive. The head of the provincial government is called the premier. The **Lieutenant-Governor** is the representative of the Queen in the provincial government.

Education

Canadians expect a great deal from the educational system, in part because of the need for specialized training and skills for careers after leaving school. In addition, introducing young people to good citizenship skills is one of the responsibilities schools have traditionally shared with families. As the costs of education have risen, provincial governments have struggled to maintain a high level of educational services without unduly raising taxes to support those services. Homeowners across Canada recently have found their municipal property taxes rising. A portion of property taxes is allotted to public education. Provinces have to recognize this burden and offset the taxes citizens pay. In Saskatchewan and Manitoba, for example, tax credits are offered to this end.

Environment

Provincial and territorial governments are responsible for the policies and laws that determine how natural resources are used in a province or territory. The governments must balance the present demands for resources with the need to maintain resources for future generations. Along with the federal government, provinces have assumed a large role in protecting the environment. They have to balance concerns over pollution and resource depletion with the need for employment and economic growth. In Alberta, for example, the provincial government ensures that landowners receive payments to restore land used for oil and gas development to a productive state.

Federal-provincial Relations

The federal government attempts to consider the needs of all of Canada's regions. Provincial and territorial governments, on the other hand, are primarily concerned with promoting the needs of their own regions. As a result, tensions may develop between federal and provincial levels of government. These tensions may lead to conflicts over which level of government pays for a share of specific services such as health and post-secondary education. Disagreements sometimes also arise over the amount of revenue each should receive from taxes and the sale of natural resources such as lumber, oil, and gas.

FIGURE 5-15 Challenges for the provincial and territorial governments

The Legislative Branch

Each province and territory has a legislature modelled on the House of Commons. Just as in the federal system, most provincial legislation is introduced through the executive branch, that is, by the premier and Cabinet. Also, political parties play a significant role in government operation.

Provincial bills become law in the same way federal bills do, except that there is no provincial senate. This means that once a bill is passed by a majority in the legislature, the Lieutenant-Governor gives it royal assent.

The Judicial Branch

Provincial courts exist to settle disputes and to try those charged with breaking laws. Each province has a supreme court, and some cases may be appealed to the highest court in the nation, the Supreme Court of Canada.

Organize and Understand

25. List four powers of the provincial government that have had an effect on your life in the last year. Consider what parts of your life are linked to services or programs controlled by the provincial government.
26. Make an organizer that displays the parallels between the federal and provincial governments. Show the differences and similarities between each level of government.

Thinking It Through

27. Some Canadians argue that only through strong regional governments can the concerns of the people of the different regions be addressed properly. Others argue that strong provinces may become too independent of Ottawa and undermine national unity.
 - a) Working with two or three other students, prepare an answer to the following question: “Should the provinces be

given increased power to govern, while the power of the federal government is limited?”

- b) Defend your answer with at least three reasons and examples.

Inquiring Citizen

28. Who is your provincial representative? Write a profile of this person and compare it with the profile you did of your federal representative. What similarities and differences do you notice?
29. Look up the services provided by your provincial government. Note the services you, your family, and your friends have used over the past year.
30. List the names and parties of Canada’s provincial premiers and territorial leaders. Do all leaders belong to the same political party? Do leaders of neighbouring provinces belong to the same party? What political patterns or connections do you notice about the regions of Canada?

Active Citizenship

Volunteering

Many community groups are looking for volunteers to help them meet their goals. Manitoba Volunteers and its youth program, Manitoba Youth Volunteer Opportunities (MYVOP), are active in many fields. Are you a member of a volunteer group?

LOCAL GOVERNMENT

When Canada was formed in 1867, only about one in ten residents lived in a city with more than 10 000 people. Local governments were required to provide only a few services, such as fire and police protection, and road maintenance. Currently, more than 80 percent of Canadians live in urban settings. Municipalities must provide a growing number of services for these more than 25 million Canadians.

Like federal and provincial governments, the municipal government is divided into an executive and legislative branch; but unlike the other two levels, municipalities do not have a judicial branch. The leader of the executive may be a mayor, reeve, chairperson, overseer, or warden. The members of the legislative branch of the municipal government may be called councillors, alderpersons, or controllers. The leader of the executive branch and the members of the legislative branch are all elected representatives and are accountable to those who elect them.

The simplest form of local government is the town council, with councillors elected from wards or areas of the local municipality. A mayor presides over the town council as the leader of the executive branch. Figure 5–16 illustrates the structure of a sample municipal government.

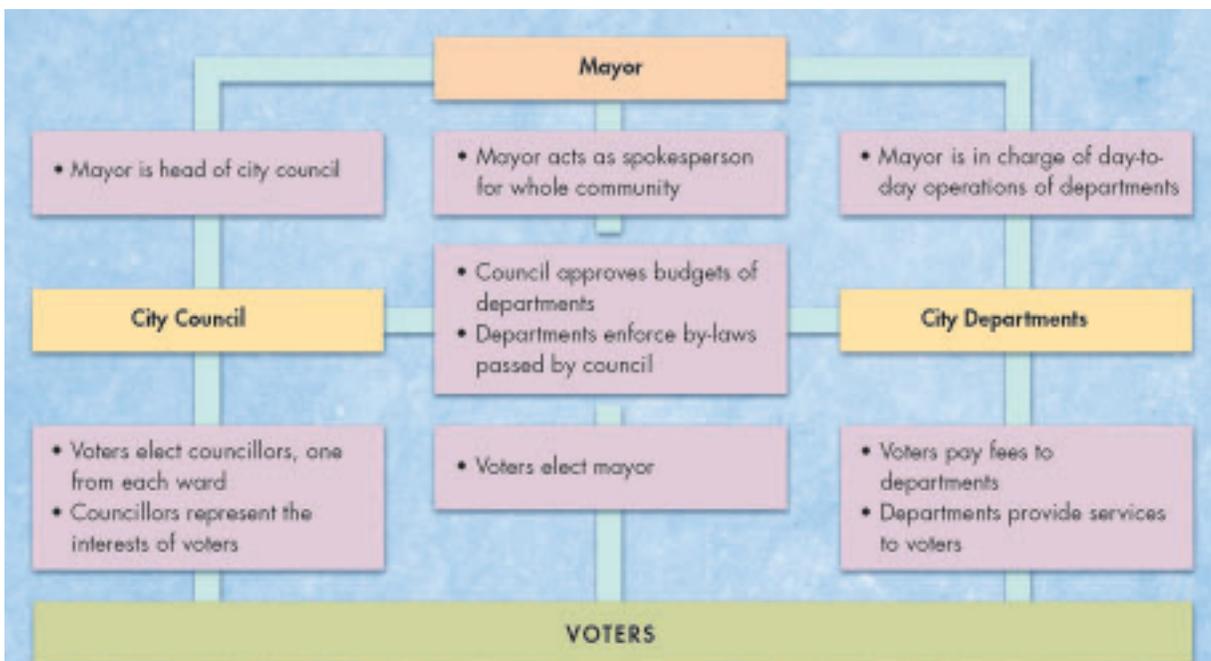


FIGURE 5–16 *The structure of municipal government: a typical example*

Since the costs of police, fire, welfare, and housing services are significant, smaller municipalities often have difficulties providing all of the services required by local citizens. If municipalities are close enough to each other, they may unite to provide common services at a lower cost and greater efficiency. This is referred to as metropolitan government. It allows a pooling of shared services, while at the same time letting member municipalities retain control over local matters. Such governments have existed in Canada since the early 1950s in the Toronto area. Later, similar governments were formed in Halifax, Montréal, Winnipeg, and other Canadian cities.

Aboriginal reserves have local governments that provide for the needs of their people through band councils or elders. The leader of this type of local government is a chief who is responsible to the people in much the same way as a mayor or a reeve. Band councils and chiefs, though, usually have more dealings than other municipalities with the premier of the province and with federal ministers. This is because of the unique relationship that Aboriginal communities have with the provinces and the federal government. Many Aboriginal communities are in the process of negotiating increased powers and control over their own affairs at the local and national levels. More information about these changes can be found in Chapter 6.

The growth of cities and their services is known as **urbanization**.

The Growth of Towns and Cities

As the population of urban areas grows, municipal governments are under pressure to provide services for all these additional people. Moreover, urban life has created new problems in housing, traffic, recreation, and safety. If you desire greater access to ice arenas or more efficient service from public transit, you may in the future find yourself paying a greater share of the cost of those services.



Providing Services

Since provincial and federal governments are attempting to reduce their spending, they are giving smaller grants to local governments. Revenues from property taxes, licencing fees, and grants may not cover all the costs required to maintain the level of services residents expect.

Local governments have the choice of providing fewer services, generating more money to pay for the services, or reducing some services and charging more money for others.

Presently, local governments receive a share of tax revenues from federal and provincial governments. Since the responsibilities of local governments are increasing while their share of taxes is decreasing, they would like to have greater taxation powers themselves.

FIGURE 5-17 Challenges at the municipal level

Using Your Knowledge

31. Explain how your local government is similar to and different from the model in Figure 5–16.
32. Consider the area in which you live. If your local government were to approve the list of developments below, what changes would occur in the lives of the people in your area? Which of those changes would be positive, which negative, and which a mixture of the two?
 - a) a shopping mall with more than 200 stores and services
 - b) an industrial park with businesses that burn waste materials and receive raw materials by transport truck
 - c) a multiple-sports arena, including ice rink, swimming pool, gymnasium, and baseball diamond
 - d) a senior citizens complex and shuttle bus service
 - e) a major hotel and convention centre complex

Organize and Understand

33. Summarize how each level of government affects your life. Which level has the greatest influence and why? Explain whether your life is better or worse because of the influence of government. Defend your position.

Thinking It Through

34. Some people believe that our current method of passing laws is too slow and complex. Others believe this method allows for the greatest involvement by the greatest number of citizens, and that this generates better laws. Do you think we should revise our system of passing laws? If so, how should the method be altered? If not, why should our method remain as it is?
35. Imagine that you have been named head of your local government.
 - a) What four problems or issues would you propose solutions for immediately to the legislative branch? List your reasons for focusing on these particular problems.
 - b) What five challenges will your community face over the next ten years? What plans would you make to deal with these challenges?

Inquiring Citizen

36.
 - a) Using the blue pages of the telephone book, find out what services your local government provides. Which of these services do you use frequently? Which services are being reduced? Which are increasing in user cost? Which services, if any, are no longer offered?
 - b) What is your opinion of the quality of services offered by your local government?

REVIEWING THE ISSUES

In Canada, government operates at three levels: federal, provincial, and local. It is divided into three branches: executive, legislative, and judicial. The government is a tool we use to make decisions about what is best for our country. Who has the power to make these decisions? The answer is you. By understanding the structure of your government and the issues that it deals with, you can become a part of the decision-making process. Because governments in Canada are accountable to their citizens, it is individual people like you who decide what the government will do. Chapter 7 presents more information on how citizen can change and influence government.

CHAPTER 6

Justice and Law

Contents

1. Focusing on the Issues
2. Rights and Freedoms, Responsibilities and Duties
3. Democracy and Human Rights in the Justice System
4. Reforming the Senate
5. Aboriginal Self-Government
6. Reviewing the Issues

