



# Chapter 3

*A Practical View  
of Canada's Political System*

Although Canada is small in population (over 30 million people), it is one of the largest countries in the world in terms of geography.

Due to Canada's unique geography and history, we have developed a *federal* system of government to allow citizens in different regions of the country to create laws that meet their own needs and interests.

This means that Canada has a central government, known as the *federal* government, as well as 10 *provincial* governments and 3 *territorial* governments.

In addition, there are local levels of government also known as municipal (city) or regional governments.

Finally, there are an increasing number of First Nation government authorities.



## Canada's Aboriginal Peoples

Canada's aboriginal peoples (also referred to as people of First Nations) have lived in Canada for thousands of years. Some First Nations have their own government authorities.

In recent years, Canadians have continued to debate the appropriate political power for aboriginal governments without reaching a complete solution.

Historically, First Nations were governed partly by treaties (agreements) that they made with colonial governments.

Colonial governments existed before Canada became a nation in 1867. These treaties gave the people of First Nations particular powers, benefits and rights to hunt and fish and use land.

No treaties were signed in most of British Columbia. The B.C. government is negotiating agreements with many First Nations in the

province. The Nisga'a Treaty is a negotiated agreement between the Nisga'a Nation, the Government of British Columbia (B.C.) and the Government of Canada. The last step needed to give

legal effect to the Treaty took place on April 13, 2000, when Parliament passed the *Nisga'a Final Agreement Act*.

The Nisga'a Treaty is the first modern-day treaty in B.C. and is the fourteenth modern treaty in Canada to be negotiated since 1976.



## Division of Government Powers

A *constitution* is the set of rules that a country uses to define government powers and the rights of citizens.

Canada's Constitution is the highest law of the country. It divides political and law making power between the federal and provincial governments according to different subjects like fisheries, banking and transportation.

Canada's constitution also includes the *Charter of Rights and Freedoms*.

The federal and provincial governments can make laws regarding a particular subject only if the government is authorized to do so by the Constitution.

Neither government can make laws dealing with subjects the other government has power over. This system is known as the *division of powers*.

The federal government and the provinces have equal status. Provincial governments delegate some of their powers to local governments (both municipal and regional governments), which fall under the authority of the provincial governments.

All citizens are subject to the laws of the federal government. They must also obey the laws of the province or territory and local governments in which they live or visit.

Since Confederation (when Canada became a nation, in 1867) our courts of law have interpreted the Constitution to resolve disputes between the federal and provincial governments about their powers. These court decisions have further defined the powers of the federal and provincial governments.

It is often difficult for the average citizen to know whether a particular subject would be dealt with by the federal government or by a provincial government.

## **Here is a very general guide to the division of powers.**

Powers of the federal government are national in scope. They cover issues such as:

- national defense
- international relations
- immigration
- customs
- taxation
- crime

The provincial and territorial governments have law and policy making powers over:

- education
- social services
- hospitals
- natural resources
- motor vehicles

The federal and provincial governments also *share* powers over certain issues like the regulation of the environment and transportation.

Finally, provinces delegate some of their power to regulate local issues to municipal or regional governments. For example, local governments have powers to make laws regarding:

- land use, including construction of buildings
- garbage collection
- local policing
- fire fighting

To learn more about federal and provincial government powers to make laws and create programs, check the blue pages of your telephone book. These blue pages list the various agencies of federal, provincial and local government.

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# Federal and Provincial Government Elections

Canada is governed by *assemblies* of persons elected by citizens. These elected persons represent our interests in making laws and creating government programs.

Our federal government has two assemblies called the *House of Commons* and the *Senate*. Together, they are called *Parliament*.

Each province or territory has its own assembly, called a *Legislature* or Provincial Parliament. (In Quebec, it is called the National Assembly.)

Political representatives are elected to these assemblies from separate geographical areas called *electoral districts* or “ridings”. Canada is divided into ridings which are roughly equal in population for both federal and provincial elections. However, federal and provincial ridings cover different geographic areas.

Political parties nominate *candidates* to represent them in different ridings during an election. A political party can have only one representative for each riding. The candidate who receives the most votes within a riding is elected to the assembly to represent the citizens in their riding.

In federal elections, the person elected is called a *Member of Parliament* or MP. In British Columbia’s elections, the person elected is called a Member of the Legislative Assembly or MLA.

The party that elects the greatest number of representatives becomes the *Government*, and the leader of this party becomes the *Prime Minister* (federally) or the *Premier* (provincially). The party with the second highest number of elected representatives is called the *Official Opposition*.

## Cabinet and Government Administration

The Prime Minister (federally) or the Premier (provincially) selects a smaller group of elected representatives from the political party that forms the government. This group of elected representatives is called the *Cabinet*. Its members, called *Cabinet Ministers*, are the most powerful government officials.

The government is further divided into *departments* (at the federal level) or *ministries* (at the provincial level). The job of the *civil service* (government employees) in a department or ministry is to help develop and implement laws passed by Parliament or a provincial Legislature. These employees are very important in developing new laws and programs for the government.

Each department and ministry is headed by a Cabinet Minister. For example,

the Department of Citizenship and Immigration Canada is headed by the Minister of Citizenship and Immigration.

Directly under a minister is a deputy minister, a non-elected *bureaucrat* (government employee) who is appointed by Cabinet. The deputy minister is the senior, non-elected public official in the Department or Ministry.

Deputy ministers are senior members of the civil service. They are very powerful people in government. Some people believe that deputy ministers have too much political power because they are not elected, and therefore not directly accountable to citizens.



## The Senate

In the federal government, Senate members are appointed by the government rather than elected. All proposed federal laws must be approved separately by the House of Commons and the Senate.

In theory, the Senate was created to provide an impartial review of new legislation free of party politics. In practice, the Senate rarely rejects a proposed law approved by the House of Commons.

Senators are often appointed because of their relationships with a political party. They do not directly represent citizens of a particular riding.

Because Senators, unlike other government representatives, are not directly accountable to citizens, many people believe that the Senate is undemocratic and should be changed or eliminated.



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## Responsibilities of Elected Representatives

Elected representatives have two basic jobs: to participate in the governing of the country or province, and to represent the interests of their *constituents*. Constituents are the citizens in their ridings.

MP's and MLA's are responsible for representing all the citizens in their ridings, not just those citizens who voted for them. This is a very important responsibility of elected officials in democratic government.

It is the job of MP's and MLA's to listen to their constituents, and to report their concerns to the government. MP's or MLA's who belong to the governing party can, of course, more directly affect the government's laws and policies.

MP's and MLA's are also expected to help citizens with difficulties they may have in dealing with government agencies.

MP's and MLA's have offices in their ridings. They have employees or volunteers who understand the problems that arise between citizens and government agencies. These people are very valuable resources for citizens who need help or want to participate in democratic life. (See Chapter 5.)

## Law Making

The most important responsibility of a government is to make laws and government programs to serve all citizens.

A proposed law, called a *bill*, is presented to the assembly and is voted on by the elected representatives. Usually a bill is *read* (presented) three times to the members of the assembly. This gives all the members a chance to review the law and ask questions about it. Usually, a bill is fully debated after the second reading.

If a bill receives more than 50% of the votes of the members, it becomes a law.

At the federal level, the bill must be passed by members of both the House of Commons and the Senate. Most bills are introduced by the governing party, though members of the opposition or other parties have some limited opportunity to introduce bills.

Elected representatives almost always vote on bills according to the official positions of their political party. Parties decide either to support or oppose a bill before a general vote on the bill in the assembly.

Where only two political parties have elected representatives, the governing party's position will succeed, since the governing party has more votes than the opposition party.

The situation becomes more complicated if three or more political parties have elected persons to the assembly.

If there is a *majority government*, then the situation is the same as when there are only two parties. A majority government occurs when the governing political party has more than 50% of all the elected representatives.

But if there is a minority government, the opposition parties can join together to vote against any bill sponsored by the government. A minority government occurs when the government has less than 50% of all the elected representatives.

If there is a minority government, the governing party tries to get one of the opposition parties to support the bill prior to the vote in the assembly. If it cannot do so, the government usually does not risk defeat by introducing the bill.

Some critics believe that voting on bills according to the political party position is a fundamental weakness of the parliamentary system of democratic government.

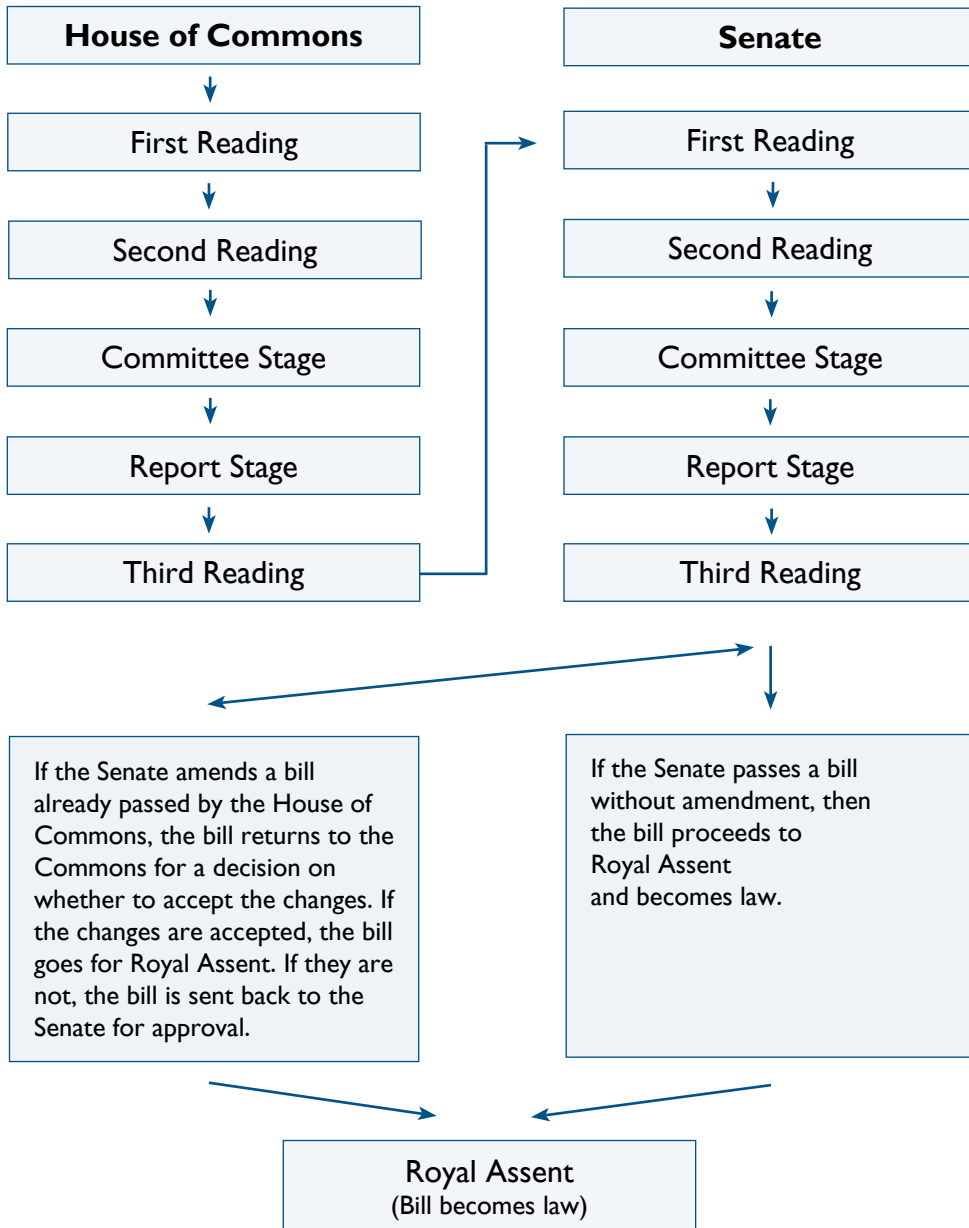
In the parliamentary system, elected representatives who vote according to their political party's position may vote against the wishes of a majority of the constituents in their riding or against their own views. This conflicts with the principle that they have been elected to represent the wishes of their constituents.

However, other people believe that our elected representatives have an important responsibility to provide leadership and to reflect the views of all their constituents, not just the wishes of the majority of them. As well, elected representatives have a responsibility to govern in the best interests of the entire country or province.

On rare occasions, a *free vote* occurs. In a free vote, elected representatives vote on a bill according to their constituents wishes or their own personal beliefs rather than their political party's position.

An important example of a free vote in the federal government was a proposal in the early 1980s to reintroduce capital punishment (the death penalty) for very serious crimes. A majority of MP's from all parties voted against this bill.

## Legislative Process in the Canadian Parliament



## Citizen Participation in Law Making

So far, we have only described how the politicians make laws. But what about your right and responsibility as a citizen of Canada to participate in democratic life, including law making? What opportunities do you have to be involved in making the law?

In the federal political system, citizens sometimes have a chance to state their views on a proposed bill. After a bill has received second reading, it may be sent to a special committee of MPs for more intense examination and debate.

A *Parliamentary Standing Committee* may invite the public to give their opinions about a new bill. This process gives citizens and citizen groups the opportunity to suggest changes in the bill before it becomes law.

After it has finished its work, the standing committee then makes recommendations to government to

change some parts of the bill. The government may or may not accept some or all of these recommendations.

Unfortunately, provincial governments use legislative committees much less frequently than the federal government.

Even if a bill does not go to a standing committee, citizens can contact the government and elected representatives and let them know what they think about a bill.

The most effective way for citizens to influence law making is to lobby government long before a bill is introduced. Lobbying is the process of trying to persuade a government about a proposed change to the law.

We will discuss citizens' opportunities to be involved in law making in more detail in Chapter 5.

## Direct Democracy

Representative government is a system of government in which citizens elect others to represent their interests in government. Some people believe that this system is inadequate because it is so difficult for ordinary citizens to influence government affairs.

For example, though elected representatives are directly accountable to citizens in elections, federal and provincial elections usually occur approximately every four years. Some people believe that elections do not provide sufficient accountability in a democracy because elected members can ignore citizen's needs and interests between elections.

In response to these criticisms, new methods for direct accountability or *direct democracy* have recently become part of some provincial systems of government. These methods include procedures called *recall* and *initiative*.

**Recall** allows citizens who are dissatisfied with their elected representative to attempt to replace that representative before the next regular election.

**Initiative** allows citizens to create a law directly, rather than letting elected officials vote on a bill. Citizens vote directly on a proposed law or issue in a *referendum*.

For example, in British Columbia the law requires citizens to get the consent of many other citizens before they use the recall or initiative procedures. They do this by collecting the signatures of citizens on a *petition*. The law creates several conditions that must be met before the recall or initiative is successful. These conditions attempt to preserve a balance between our current system of *representative government* and direct democracy in which citizens decide directly the laws of the country.

If the conditions are difficult to meet, as they are in British Columbia, they will make it very difficult to use these methods for direct democracy effectively. Some people believe this is good for democracy while others believe this is bad for democracy.

There are many other criticisms of our form of government. Some people think that our form of democratic government does not adequately reflect the wishes of voters.

For example, in British Columbia's election in 1996, the New Democratic Party received only 39.5% of the votes of citizens. Yet NDP candidates were elected in 52% of the ridings and formed the government. In contrast, the Liberal Party received 32% of all votes and 44% of the "seats" in the Legislature, forming the official opposition.

In the federal election of 1997, 38% of Canadians voted for candidates of the Liberal Party, yet 51% of the elected representatives were Liberals. In contrast, 20% of Canadians voted for the Progressive Conservative Party, yet this party has only 7% of the representatives in our federal Parliament.

These examples provide ammunition for critics who say our present system of government does not share political power fairly. Some people suggest that we should reform our system of government so that it better reflects the distribution of citizens' support for various political parties' candidates.

Some provinces, including British Columbia, Prince Edward Island and Ontario have asked their citizens, using a referendum, whether they would like to change the first-past-the-post system to a different system like a proportional representation system as exists in other countries.

## Local Governments

The constitution gives provincial governments the power to make laws about local issues in the province. Provinces give some of their powers to local governments, such as city councils, parks boards and school boards, to make *by-laws* regarding issues that affect local residents of a city or town.

Some provinces have created another level of governmental authority. *Regional governments* fit between the provincial government and municipal government to deal with regional needs.

Regional governments have limited authority, most often for coordinating planning in larger urban areas.

For example, Metro Vancouver coordinates planning for the various municipal governments in the Lower Mainland of B.C. Other regional districts help to provide local government for very small towns in rural areas.

Local governments may differ from federal and provincial governments in several significant ways.

- ☑ **Representatives may be elected at large as they are in Vancouver.**

This means that if there are 10 elected positions, the 10 candidates who receive the most votes are elected. However, many larger cities such as Toronto or Edmonton have a system of wards. Wards are like ridings. Candidates compete for election within a ward in the same way that candidates compete for election in provincial or federal ridings.

- ☑ **Less emphasis is placed on membership in or affiliation with political parties.**

Although representatives may belong to local political parties, they do not vote on proposed by-laws according to party positions as frequently as elected representatives in the provincial or federal government.

- ☑ **There is no cabinet of members with responsibility for various departments or ministries.**

All members or councillors are equally important, and most members belong to committees with various responsibilities such as finance, administration or planning.

- ☑ **The leader of the government is selected differently.**

For municipal councils, a *Mayor* is usually elected separately from other representatives. For school and parks boards, the members of the board usually select their own *Chair*. The Chair has the responsibility of organizing and leading meetings.

- ☑ **As well as dealing with issues introduced by elected representatives, the council or board respond to petitions or concerns directly from citizens.**

A major advantage of local governments is that citizens are often able to have a more direct influence on the content of by-laws and programs of their local government than in federal or provincial governments

By-laws and policies are passed by a 50% majority of the votes of the elected representatives.

Where elections are at-large, each member of the municipal council or board is responsible to *all* citizens in the municipality. Where elections involve wards, members are responsible for representing the concerns and needs of their constituents in their ward.

As in the federal and provincial government, the civil service administers by-laws and programs for local government. Civil servants are employees of the municipality or board. A local government *bureaucracy* is usually much smaller in size than the federal or provincial bureaucracy.

Many people believe the democratic spirit is more alive in smaller, local governments than federal or provincial politics. At this level, citizens are more familiar with the issues and they feel the impact of government decisions and programs more directly. Many people find it easier to participate in democratic life and make real changes at the local government level.

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## Your Role in the Political Process

### *Democratic government is complex.*

Yet there are many opportunities for you as a citizen to participate in shaping our society whether it involves federal, provincial or local government.

When a particular issue interests or concerns you, first find out which government has authority to deal with the issue.

Chapter 5 will discuss ideas for how you can effectively influence government decision makers.

Your knowledge of Canada's political system will make it much easier for you to participate in democratic life.