



*Canada's Government*

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CANADA is a democracy. This does not mean, as many think, that its government is simple. Nothing could be farther from the truth. An autocratic government need satisfy only the dictator; in a democracy, government must work for the average citizen, his welfare, security and ideals. It must attempt to meet desires expressed in mass movements and in parochial caucuses. Government of, by and for the people is infinitely more perplexing than government by absolute monarchy or dictatorship.

In the British Commonwealth, democratic government is further complicated, because in addition to being an autonomous democracy every Dominion is part of a monarchy, limited but real. Canada's government follows the British system in its main outlines. It has popular representation based upon the sound judgment of the average man and the theory of political equality; it has executive responsibility, channelling down from a cabinet selected by the major political party, through Parliament to the electors; it has the two-house plan, one elected by popular vote and the other composed of persons holding their seats for life; and it has at its head the Crown, far removed from political strife. In addition, Canada has a federal form of government necessitated by the fact that the Dominion is composed of provinces, each a political entity exercising powers of government for provincial purposes but combining with the others in affairs which affect the welfare of all.

Probably the best place to start consideration of the way Canada is governed is to describe the Dominion's position within the Empire. There were several stages in the development of Commonwealth relations and forms of government, culminating in the Imperial Conference of 1926. At that conference the United Kingdom and the Dominions were described as "autonomous communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or foreign affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations." The principle of equality of status was made final in law in the Statute of Westminster in 1931, enacted at the request of, and with the consent of, all the Dominions.

Constitutional government to the Britisher and Canadian means more a system of government than government under any document, and in its simplest terms it is merely a system in which political authority is bounded by established rules and procedures most of them unwritten. The United States meaning for "constitution" is the document prepared to establish the Union, and in this sense the British North America Act, passed in 1867 by the British Parliament, is Canada's constitution. That Statute united the province of Canada, now divided into Ontario and Quebec, with Nova Scotia and New Brunswick, and made provision for admission of other provinces. These, with the dates of admission or creation, are: Manitoba (1870); British Columbia (1871); Prince Edward Island (1873); Saskatchewan (1905); Alberta (1905). After more than three-quarters of a century, it can be said that the British North America Act has displayed stability, has responded reasonably well to political changes natural in a new country, and has kept secure the primary constitutional rights which were so important in the minds of its framers. It was, of course, put together by men who could not possibly have foreseen the inventions of modern times which have drawn together far-flung communities at the same time as they provided the means of expansion; or the great changes in social philosophy and economic conditions; or the upheaval wrought by two world wars. All these have put severe strains on the written constitution. The local perplexities of 1867 have become national problems, and have been magnified a thousand times. There have been, and are, demands for changes to modernize the Act, but it can be said that its authors so framed it as to protect, even to this day, the constitutional form of government so dear to British peoples: the supremacy of the King-in-Parliament.

Officially, Canada possesses a monarchical form of government, but it is not a separate kingdom. Only once has the King personally taken part in ceremonies of the Canadian Parliament (during the royal tour in 1939). The crown is hereditary in the family of the sovereign, but it is subject to the authority of parliament, consisting of the King and the two Houses of Parliament. Under modern constitutional practice the King has no power to refuse to act on his council-

lors' advice, and there is no parallel in the British system of government for the veto that can be exercised by the United States President.

When it is necessary for the Crown to take part in Canadian government, the King acts through a Governor General, who assembles, prorogues and dissolves parliament, and assents to bills in the name of His Majesty, but in all these and in his other executive duties he acts upon advice of his Council. In turn, this Council must have the support of Parliament.

Canada's was the first federal union in the British Empire, comprising a central government concerned with matters essential to the development, permanency and unity of the Dominion as a whole, and a number of provincial governments which have control and management of certain local matters assigned to their jurisdiction. Each government is administered in accordance with the British-born system of parliamentary institutions. It is obvious that the federal system of government demands a compromise between two sets of political forces, and this is bound to keep up almost constant pressure for, on the one hand, greater centralization of power, and on the other, wider autonomy for the provincial authorities. The result is a series of special arrangements to care for particular circumstances. In face of difficulties inherent in the federal system, with local issues entangled bewilderingly with national affairs, the wonder is that federation can be made to work at all. The surest common denominator is an important national interest, and this is particularly needed in view of the bi-racial character of Canada's population. It might be said that the federal system of government was framed to give French-speaking people a guarantee that their local affairs should not be interfered with by an English-speaking majority; but even leaving aside the bi-racial problem, federation would still be necessary, because local interests vary so greatly between the Maritimes and the Prairies, between Ontario and the West Coast. Far from perfect though a federal system may be, the great advantage of the Canadian federation is that it works. There are snarls that call for statesmanship to unravel; there are delays that provoke impatience; but generally speaking the good sense of the people in the long run makes itself effective through their established parliamentary institutions.

Canada's Parliament has two sections, the Upper House, called the Senate, and the Lower House, called the House of Commons. Senators are not elected, nor are their seats hereditary; they are appointed by the government of the day, on a territorial basis, and hold office for life. The Senate has now 96 members, representing a cross-section of the occupational, racial and economic characteristics of the people. In 1929 women were declared eligible for appointment, and the first woman entered the Red Chamber as a member in 1930.

The Senate has co-extensive powers with the House of Commons in originating legislation, except with respect to measures imposing taxes or expending public funds which result from taxes, but in practice

most bills start in the Lower House and make their way to the Senate for second treatment. Sir John A. Macdonald, the Dominion's first Prime Minister, called the Senate "the sober second thought in legislation." During the session of Parliament which adjourned last August it effected amendments to 14 bills originated in the House of Commons.

Representative government, which Canada enjoys, is based upon election of representatives to transact the people's business, and it is in the Commons that political power rests. It is there that Cabinets, the executive of government, are made and unmade, because no Ministry can remain in power without confidence and support of the House of Commons. Elections are held at intervals of not longer than 5 years, but there is no fixed voting date. The Crown may dissolve Parliament at any time when it is thought expedient to appeal to the people, and this usually happens whenever the Cabinet fails to retain the confidence of the people's representatives, although in similar circumstances the government may choose to resign, in which case the Governor General may call upon another leader to form a government.

On the opening day of a session the Governor General or his deputy, seated on the throne in the Upper Chamber, to which members of the Commons have been summoned, reads the "Speech from the Throne", in which the Government announces the principal measures it is proposed to present during the session. Upon conclusion of this ceremony, the members of the House of Commons return to their own chamber, a fictitious bill is read the first time as an indication that the House can do business of its own before acting under royal instructions, and then the Speaker formally reports the Governor General's speech. The Speaker holds an office of great honour and responsibility. He is elected from among the members, and acts as permanent chairman for the life of a parliament.

The opportunity for thorough discussion of business by members is indicated by the course of a bill. There is a formal first reading, then a second reading for debate of the general principle, followed by a committee stage when rules of debate are relaxed and an easy conversational examination of the bill is carried out clause by clause. When the bill is reported back to the House it may be further discussed, then read a third time, and if passed, sent on to the Senate, where it is dealt with in a similar manner. Much of the business of both Houses is considered in small select committees, and there are standing committees which deal with recurring business. When bills have been passed by both Houses, and assented to by the Crown, they become Acts or Statutes.

Marking a ballot to elect a member to Parliament is so simple that the voter is likely to think little of the machinery needed to protect his rights, assure him free choice, and meet his convenience. Elections are supervised by the Chief Electoral Officer. He issues writs to the constituency returning officers, prepares instructions, publishes the results, and reports to the Speaker of the House. A nomination may be made by 10 electors. A deposit of \$200 is required, returnable

to the candidate upon election, or if he obtains at least half the number of votes polled in favour of the candidate elected: otherwise the deposit goes into the public revenues. No property qualifications are required, nor need the candidate be a resident of the constituency for which he seeks election. The minimum age is 21; the candidate must be a British subject by birth or naturalization; no government contractor may be a candidate.

Ballots bear the names of the candidates, their occupations and addresses. Each constituency is divided into polling sub-divisions, planned for the greatest convenience of voters. When it is ascertained that a voter's name is on the roll at a polling place, he is given a ballot, retires to a curtained compartment, marks a cross against the name of the candidate for whom he wishes to vote, folds the ballot so that the marking cannot be seen, and the completely anonymous ballot is deposited in a locked metal box. Upon closing of the poll, ballots are counted under supervision of deputy returning officers, and the candidate receiving the highest number of votes is declared elected. All British subjects, 21 years of age or over, who have been ordinarily resident in Canada for 12 months prior to polling day, and are ordinarily resident in the electoral district on the date of the election writ, have the franchise. Canadians on service with the armed forces, irrespective of age, are entitled to vote. Women were granted the franchise in 1918.

There have been agitations at various times for a change to some system of proportional representation, the usual argument being that many constituencies are represented by members who secured a minority of the total votes, but it cannot be said that the movement has reached large proportions. Another question sometimes raised is that of making voting compulsory, but this is of even less interest. In the last 7 general elections the percentage of eligible votes cast ranged from 69 per cent in 1925 to 78 per cent in 1917. At the 1940 election, votes were cast by 71 per cent of those eligible.

According to law, seats in the House of Commons must be redistributed in keeping with the population changes after every decennial census, but for the first time since Confederation there was a postponement in 1941. It was realized that the unique nature of the war, and of the effort being made by Canada to produce goods, had led to an abnormal shift of people. When redistribution does occur, of course, it will be carried out on constitutional lines, allotting 65 seats to Quebec, and apportioning other provinces and districts representation according to relative population. The Quebec census total is divided by 65, which sets the representation quotient (51,213 in 1941). This is divided into the populations of the individual provinces, to give the number of representatives. Changing of electoral district boundaries, when necessary, is done on a non-partisan basis, representatives of both government and opposition parties participating.

Totalitarian states cannot countenance opposition, and have made it treason, but democratic states not only allow it; they foster it. The leader of the second largest party elected to the Canadian House of Com-

mons becomes the Leader of His Majesty's Loyal Opposition. This has been made a salaried position, so that the incumbent, presumably next in line as Prime Minister in case of defeat of the party in power, may devote all his time to the political duties of his position.

Although unrecognized on the ballot, almost all members belong to parties which make their policies known nationally. Canada has two parties dating back to Confederation, the Conservatives and the Liberals, and, at the moment, several minor parties, most of them purely local in interest. At dissolution in April, the standing was: Liberal 155; Progressive Conservative 40; Co-operative Commonwealth Federation 10; Social Credit 10; Independent 6; Liberal Progressive 5; Independent Liberal 3; Bloc Populaire 2; Unity 1; Labor Progressive 1; Vacancies 12.

The House of Commons is led by the Prime Minister, chosen because he is the head of the party in power. To understand his and the Cabinet's relationship to the House, it is necessary to consider first the Canadian Privy Council, established under the British North America Act to aid and advise in the government of Canada. Members of the Privy Council who are for the time being at the head of public affairs are referred to as the Cabinet, Administration, Ministry or Government.

Upon his election at the head of the majority party, the leader is called upon by the Governor General to form a government, becomes Prime Minister, nominates his Cabinet, which he selects from Members of Parliament elected by the people, or, in a few cases, from the Senate, and the Crown appoints his nominees. With the exception of two or three who are without portfolio, each Cabinet Minister directs one or more of the administrative departments, of which there were 22 in April. Cabinet and Parliament are not separate, as the President and Cabinet are separate from Congress in the United States. Cabinet is the connecting link between the monarch and the people through their representatives in Parliament, and a close relationship between Cabinet and Commons is essential. Ministers work together under traditional rules of unity, secrecy and joint responsibility.

Good as their administrative officials of the civil service may be, and Canada's civil servants stand high among the world's public services, these permanent officials cannot take the place of the Cabinet Ministers in originating policy, nor can they appear on the floor of the House to debate proposals. To relieve pressure upon the Cabinet, a number of Parliamentary Assistants were named in 1943. These are Members of the Commons selected for special ability or interest, who fill in for the Cabinet Ministers in the House and work closely with them in departmental affairs.

As a supplement to parliamentary legislation, the Privy Council issues "Orders in Council". Because of the difficulty of issuing statutes in complete form, it has been found convenient to enact laws in general terms, leaving the details to be covered later by administrative orders, made by Orders in Council or by the Minister immediately concerned. "Order in Council" means simply an order passed by the Crown by and

with the advice of the Privy Council, under powers conferred by some act or acts of Parliament; the phrase "Governor General in Council" means the Governor General acting by and with the advice of the Cabinet.

To facilitate war business, there have been established a War Committee of the Cabinet, and a great many special boards, headed and manned by personnel from industry and other non-political sources. Some of these boards have been regulatory, endeavouring to control supplies and to ration commodities with the dual object of spreading them as widely and evenly as possible and of keeping down inflation. It is generally recognized that the Canadian people have voluntarily surrendered certain rights, prompted by these boards, for the duration of the war, to strengthen the war effort of the Dominion. In an emergency, and for a time, democratic people may hand over their rights and privileges, but they will beware of relinquishing liberty for all time. Recent sittings of two Royal Commissions, inquiring into phases of income tax, draw attention to another device for decentralizing parliamentary activity. These Royal Commissions travel from end to end of the country, gathering data, receiving delegations, accepting briefs, and probing the particular subjects assigned to them. They then submit their reports, on which Parliament may or may not take action.

It is fundamental in the British tradition that people should be taxed only with their own consent. This principle, affirmed in Magna Charta, is innate in the Canadian system. For each fiscal year the Government's Finance Minister presents a budget in which he gives a report of the preceding year's financial affairs, and declares how much the Government intends to raise in the coming year, and the means it will use to do so. The departments submit estimates of expenditures in detail, and the Ministers are subject to very close questioning from all parts of the house. All taxes and other revenues are paid into the Treasury, and all money which goes out is carefully checked according to strict rules set forth in statutes. There is a thorough examination by the Auditor-General, whose position is considered so important that he can be removed only on a combined request of the Senate and the House of Commons to the Governor General. Every item of expenditure is painstakingly corroborated, and is later reported in detail and printed for general information.

The civil service has played an enormously important part in the development of the country, and has made a conspicuous contribution during the war. Selection of staff is made by the Civil Service Commission, on the principle of appointment after open competition, and promotion by merit, and the personnel remains unchanged by elections. While the number of permanent civil servants has actually decreased during the war, many temporary employees have been added, so that the total in the service has increased from about 43,000 in 1937 to 113,000. War veterans have statutory preference in appointments, qualifications being equal between applicants.

Canada's judicial system is independent of politics. Judges are appointed for life, and the Canadian judiciary has upheld the tradition of impartiality inherited from British jurisprudence. The Supreme Court has jurisdiction as a general court of appeal in both civil and criminal cases throughout the Dominion, and in disputes between the provinces and the Dominion. The Exchequer court has original jurisdiction in cases seeking relief against the Crown, and enforces the law relating to revenue. Canadians have no direct contact with the British law courts. The Judicial Committee of the British Privy Council will hear appeals from the Supreme Court of Canada only when the case is one of gravity, involving questions of public interest, or some important point of law. Since the Statute of Westminster, Canada has been free to decide whether appeals should be allowed to the Privy Council.

It should be mentioned that while provincial governments are technically or theoretically supreme in numerous subjects assigned to them by the British North America Act, changing times have brought forward new subjects, and changed or altered the importance of old ones, so that disputes frequently arise as to the extent of authority between the federal and provincial governments. The Dominion Government has a general power of veto or disallowance over any act of a provincial legislature. The general practice is to refer disputes to the Supreme Court, and, if necessary, to carry them to the British Privy Council for adjudication.

It will be seen from this brief outline of Canada's government that the way of democracy does not run smoothly, that, as was remarked in the first paragraph, it is neither simple nor free from perils. We should do ourselves a disservice, however, if because of difficulties we abandoned democracy for some new code. Pressure groups and visionaries are always at hand with panaceas, but it is of historical record that these cure-alls inevitably include destruction of the freedoms inherent in democracy: speech, meeting, and the press. These are the channels through which democracy informs public opinion, and no other form of government can tolerate them.

Democracy demands more of citizens than do other forms of government. It takes for granted education, interest and high integrity. It is only in absence of these that dictators can arise, and, by holding out promises of easy and quick ways of doing things, seize power. Democracy may be slow to act, but its delay is often due to the fact that public opinion is not so quickly made up as a brain-truster's mind. This is not proof of inefficiency, but a great safeguard of free society. In the post-war era, history is not going to begin a new chapter: it never does: history runs on. The old principles will remain, and by acceptance of what is best in democracy, and by education in public affairs and co-operation, evolution can be continued of a system of government that will provide the race with the best kind of life and happiness.