



PARLIAMENTARY FRAMEWORK

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INTRODUCTION

Canada is a constitutional monarchy and a parliamentary democracy. This system of government is democratic and the law is its supreme authority. The Government acts in the name of the Crown, but derives its authority from the Canadian people.

Canada's parliamentary system stems from the British, or "Westminster", tradition. Parliament consists of three parts: the Crown; the Senate; and the House of Commons. Laws are enacted once they are agreed to by all three parts. Senators are appointed and Members of the House of Commons are elected. They represent the Canadian people. Hence, ours is a "representative" system of government.

Since Canada is a federal state, responsibility for lawmaking is shared among one federal, ten provincial and three territorial governments.

CONSTITUTION

Canada's Constitution is not found in one single document. The 1867 *British North America Act* brought Canada into being, but it did not codify all of the new country's constitutional rules. Rather, it stated simply that Canada was to have a "constitution similar in principle to that of the United Kingdom". For this reason, some of Canada's most important rules are not matters of law at all, but conventions or practices. The *Constitution Act, 1982* contains the *Canadian Charter of Rights and Freedoms* and the procedure for amending the Constitution.

The Constitution sets forth the system of fundamental laws and principles that outline the nature, functions, and limits of Canada's system of government, both federal and provincial.

DETAILED ARTICLE

Canadian Constitution

CROWN AND GOVERNOR GENERAL

Executive authority in Canada is formally vested in the Crown, and it is exercised in its name. The Governor General, acting on the advice of the Prime Minister and the Cabinet ("the Governor in Council"), represents the Crown in Canada, and exercises the powers of government that are reserved for the Crown, by the Constitution:

- bills that propose to spend government revenues must carry a Royal Recommendation from the Governor General;

- the Governor General, or his or her delegate, must give Royal Assent in order for a bill to become law;
- the holders of many important offices are appointed by the Governor in Council; and
- In theory, it is the Governor General who chooses the Prime Minister, although convention requires that his or her choice be the leader of the party that can command a majority of votes in the House of Commons.

DETAILED ARTICLE

Role of the Crown and the Governor General

LEGISLATURE

Parliament is Canada's legislature. Parliament is the federal institution with the power to make laws, to raise taxes and to authorize government spending. Canada's legislature is "bicameral", meaning it has two chambers. Proposed legislation is debated and voted on in both Chambers or Houses – the appointed Senate and the elected House of Commons (often described as the "upper" and "lower" houses).

The legislative and executive branches of the Government create the laws of the land. Proposed government legislation (a bill) is introduced in one of the two Chambers (usually the House of Commons) by a Minister. The bill is then subjected to a detailed process of review, debate, examination and amendment through both chambers before it is ready to receive final approval.

To become law, all legislation must be adopted by both houses in identical form and receive Royal Assent. Bills calling for the spending of public revenues or for the imposing of taxes must originate in the House of Commons.

The Senate, or upper house, is composed of 105 Senators appointed by the Governor General, on the advice of the Prime Minister, to represent Canada's provinces and territories.

The House of Commons, or lower house, is the elected assembly of the Parliament of Canada. Its 308 Members are elected by Canadians eligible to vote. Each successful candidate has received the highest number of votes cast in his or her electoral district or riding.

DETAILED ARTICLES

Senate of Canada

House of Commons of Canada

EXECUTIVE BRANCH

In Canada, executive authority is vested in the Crown and carried out by the Governor in Council – the Prime Minister and Cabinet.

Once appointed, the Prime Minister selects a number of confidential advisors (usually from among the Members of the governing party) who are first made members of the Privy Council. These confidential advisors are then sworn in as Ministers. Collectively, they are known as the "Ministry" or Cabinet. Ministers are usually assisted by other Members who have been appointed as Parliamentary Secretaries.

DETAILED ARTICLE

Executive Branch of Government in Canada

RESPONSIBLE GOVERNMENT AND MINISTERIAL ACCOUNTABILITY

Our parliamentary system requires that the Government be responsive to its citizens; it must operate responsibly and its Ministers must be accountable to Parliament. They can remain in office only while they continue to enjoy the confidence of the House.

Ministers have both individual and collective responsibilities to Parliament. As individuals, Ministers are accountable not only for their own actions as department heads, but also for the actions of those who report to

and are directed by them. The principle of collective ministerial responsibility holds that Ministers are expected to take responsibility for, and defend, all Cabinet decisions.

All governments (majority or minority) must be supported by the majority of Members in the House of Commons. A majority government is supported by the party or the coalition of parties holding the majority of the seats in the House of Commons. Such a government can legislate without the cooperation and consent of the opposition parties. Minority governments can legislate only with the assistance of opposition Members and/or their parties.

All questions arising in the House are decided by a majority vote of those Members present. The crucial test of the Government's power comes in votes of confidence, for in Canada's parliamentary democracy, a government must enjoy the confidence of the House.

DETAILED ARTICLE

Responsible Government and Ministerial Accountability

CONFIDENCE CONVENTION

The Prime Minister and the Cabinet are responsible to, or must answer for, their actions to the House of Commons as a body and must enjoy the support and the confidence of a majority of the Members of that Chamber to remain in office. This is commonly referred to as the confidence convention.

If the Government is defeated in the House on a key ("confidence") question, then the Government is expected to resign or seek the dissolution of Parliament in order for a general election to be held. It is not always clear what constitutes a question of confidence. Motions which clearly state that the House has lost confidence in the Government, motions concerning the Government's budgetary policy, and motions which the Government clearly identifies as questions of confidence, are usually recognized as such.

DETAILED ARTICLE

Confidence Convention

POLITICAL PARTIES

Although they are not mentioned in the Constitution, Canadian parliamentarians usually belong to political parties which are organizations bound together by a common ideology, or other ties, and which seek political power in order to implement their policies.

The governing party (usually the party with the most seats in the House of Commons) must be able to win votes in the legislature. Members of the House of Commons belonging to the same party, together with their counterparts in the Senate, are collectively referred to as that party's parliamentary caucus.

DETAILED ARTICLE

Political Parties in Canada

ROLE OF OPPOSITION PARTIES IN CANADA

Functionally, the House is divided into three groups: the Ministry and its Parliamentary Secretaries; Members who support the Government; and Members who oppose the Government. Members in opposition may belong to registered parties or they may be independent of any party affiliation.

By convention, the opposition party with the largest number of seats in the House is designated as the Official Opposition. The Official Opposition takes first place among the other recognized parties in opposition, and certain important rights and privileges are reserved for it and its leader. These include unlimited time for the leader to participate in certain debates, the right to ask the first question during the daily question period and other similar advantages.

The leaders of recognized opposition parties usually sit in the front row of the Chamber. Each is the first Member of his or her party to be given the floor should he or she rise to ask a question during Question Period. The *Standing Orders of the House of Commons* provide opportunities for recognized opposition parties to respond to Ministers' statements, to propose motions on allotted or opposition days and to chair certain standing committees.

DETAILED ARTICLE

Role of Opposition Parties in Canada

MORE INFORMATION — PARLIAMENTARY FRAMEWORK

[House of Commons Procedure and Practice](#), ed. Robert Marleau and Camille Montpetit (2000)

[Chapter 1, The Canadian System of Government](#)

[Chapter 2, Parliaments and Ministries](#)

Find this and other articles on House of Commons procedure by visiting the *Compendium of Procedure* Web site at <http://www.parl.gc.ca/compendium-e>.

For further information about the procedures of the House of Commons, please contact the Table Research Branch at (613) 996-3611 or by e-mail at trbdrb@parl.gc.ca.

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