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A Critique of the Powers of Canada's Head of State

Educational Affiliation

The Canadian Government is a product of centuries of colonial rule and social evolution. From its genesis as a French colony to its current status as a British Dominion, Canada's government has seen massive changes in its structure. Given its powerful British heritage, the government has modeled itself largely along the lines of British governance, creating two different posts, both of which claim supremacy in different areas. The de facto head of State in Canada is the Canadian monarch, represented by governor generals; while the head of government (who, by virtue of holding the most powerful office in the Canadian government, is sometimes called the Head of State) is the Prime Minister. The office of the Prime Minister, while being modeled on its British counterpart, deviates in several respects, giving rise to an office which some would consider perhaps too powerful for the government to achieve its democratic goals. With this in mind, the following paper will attempt to compare the British and Canadian Prime Ministerial Offices in order to determine whether and to what extent the Prime Minister of Canada is given too much power and authority.

As mentioned earlier, the Prime Minister is, strictly speaking, not the decision maker of the State, rather, he/she is merely an advisor to the Constitutional Monarch. The real power of legislation and decision making lies with the Parliament - the power of law making being vested in the Parliament. After nearly three hundred years of evolution, the British Parliament is truly the supreme legislature of the land (Watts, 2012). This puts strong limitations on the powers of the British Prime Minister, whose main duty is to present the

legislations of the Parliament to the Monarch. In Canada, the Prime Minister, is given a much greater level of power by virtue of the limitations placed on the Parliament. The Prime Minister is selected by the Governor General based on his/her position as the most popular member of their party and their party being the one that holds the greatest number of seats in Parliament. This means that regardless of circumstances, the Prime Minister will have a majority in the Parliament. Furthermore, since every political party is strongly hierarchical, the caucus of the Prime Minister will almost invariably be under his/her control (given the Prime Minister's position as leader of the Party), unless the Prime Minister is installed in a minority government.

As head of the Legislature and the leader of the majority party, the Prime Minister is given almost complete discretionary powers over whether or not a decision made in the Parliament is presented to the Governor General for ratification. This is ensured by the controversial powers of the Prime Minister to prolong, or suspend a sitting of the Parliament (or more precisely, the House of Commons), and, most importantly, close legislations decided by the Parliament based on his/her discretion. Moreover, the Prime Minister can dissolve Parliament and call for federal elections if he/she thinks the Parliament has sat long enough without much interference in the Prime Ministerial office itself. There are, of course, checks to the powers of the Prime Minister as head of the legislature - the Senate is granted the power to impede or delay legislations and, given the federal nature of the Canadian government, the actual extent of jurisdiction of the Prime Minister is also curtailed. An excellent example of this sort of check being used is during the

incumbency of Prime Minister Brian Mulroney and the bill for Goods and Services Tax (Neitsch, 2008).

Stemming from being the head of the legislature, the Prime Minister, holds to power to decide how to implement legislations laid down by the Parliament. This occurs because the head of the executive is traditionally the Monarch, i. e., the Governor General, who is constitutionally granted the power to implement legislation, but then, in the contemporary scenario allows this power to devolve onto the Prime Minister, who, effectively, not only decides what the legislations are put through in the Parliament, but also decides how they are implemented.

Once more, stemming from the above mentioned powers, the Prime Minister is also the Commander-in-Chief of the Canadian armed forces. Ultimate authority in all matters pertaining to the Military is held by the Prime Minister, which, though a strictly executive power, is devolved on him/her by the same logic as any other executive powers.

The Prime Minister can also be said to hold, more or less, absolute power of appointment. Constitutionally, it is the Governor General who is the Appointer-in-Chief, but granted the flow of power, it is the Prime Minister who exercises this power. Virtually every major office in the Government is filled through appointment by the Prime Minister, with positions of lesser importance being filled by appointment by either Cabinet Ministers or an Appointment board. It can be noted that this has a cyclic effect on the government - when the Prime Minister is given power to appoint whomever he/she pleases to office, it is only natural the caucus will be under the power and influence of the Prime Minister incumbent which at first glance seems

very undemocratic.

Added to these facts is the Prime Minister's position as a symbol for Canada. It is the Prime Minister, not the Governor General who functions as the figurehead and 'head of nation' for Canada. Although this may seem further extraordinary power given to the Prime Minister, it can be seen to act as a check as well. Given that the Prime Ministerial office derives a significant amount of its power from public opinion, the image that the public maintains of the Prime Minister is essential to the smooth functioning of the Government. As mentioned earlier, the Prime Minister is accountable, finally, to the electorate and his/her public image is the final say in whether or not the electorate maintains confidence.

Given the extraordinary amount and diversity of powers vested in the Prime Minister, one might almost claim that the Prime Ministerial office borders on becoming a constitutional dictatorship. Considering that the Government owes immensely to the colonial heritage of Canada, a more in-depth study into the history and origins of the Prime Ministerial office may shed more light into the powers of this office - how it got there and what can be done to make it more potently democratic.

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