

## Learning About Government

**Objective:** to learn about how the Government of Canada is structured, how it creates laws and makes decisions, and how it functions. The assignment is broken up into three tasks.

### Task 1: Running the Government

- 1). Read the *Running Canada* article (see below).
- 2). Then fill out the three-column chart found on the *On the Right Level Activity Sheet*. Each column represents a different level of government: federal, provincial and municipal. Fill in the chart by placing a checkmark beside the area/row under the appropriate level of government. For example, the first category is agriculture. The responsibility for overseeing agriculture is *shared* between the federal and provincial level (as indicated on the sheet). In addition to the *Running Canada* article below, you can also get information from your text book *Canada: A Nation Unfolding* (page 31).

### RUNNING CANADA

Canada subscribes to a system of **responsible government**<sup>1</sup> and **constitutional monarchy**,<sup>2</sup> combined with the features of a federation and **parliamentary democracy**.<sup>3</sup>

#### The Federal System

Canada is a **federation**,<sup>4</sup> which means that the work of governing the country is shared by the federal and provincial or territorial governments. Federalism allows the government of a country as large and diverse as Canada to meet the common needs of all citizens, while also being able to serve the special interests and characteristics of the country's various regions and cultural/linguistic communities.

The original provinces that united to form the Canadian federation were the Province of Canada (now Ontario and Quebec), Nova Scotia and New Brunswick. Later developments brought six more provinces into **Confederation**.<sup>5</sup> Three territories have been carved out of Canada's north.

#### The Division of Powers

The **British North America Act** (1867) gives the Federal Government responsibility for matters that concern all Canadians, most notably matters that cross interprovincial and/or international borders, such as defence, foreign affairs, the regulation of interprovincial and international trade and commerce, criminal law, citizenship, central banking and monetary policy.

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<sup>1</sup> Responsible government refers to a government that is "responsible" to the people. In practical terms, this means the political party that has formed government is dependent on the continued support of the elected assembly (House of Commons) rather than on the good-will of the Monarch.

<sup>2</sup> A constitutional monarchy is a form of national government in which the power of the Monarch is restrained by a parliament, by law, or by custom. Constitutional monarchs do not rule *absolutely* but are *limited* by a constitution.

<sup>3</sup> A parliamentary democracy is a form of government in which the party (or a coalition of parties) with the greatest representation in the legislature forms the government, its leader becoming either prime minister or chancellor.

<sup>4</sup> A federation is an organization or group (like provinces and territories) that have some degree of control over their own regional affairs while ultimate authority resides in a central government.

<sup>5</sup> Confederation is literally the name for the process Canada's provinces joined together becoming confederated (joining with one another).

**Provincial governments** have jurisdiction in matters of local interest, for example, primary and secondary education, health and social services, property and civil rights, provincial and municipal courts, and local (municipal) institutions. Schools are generally run by school boards or commissions elected under provincial education acts.

Some areas of responsibility are shared by both levels of government. For example, in the area of transportation, the Federal Government has jurisdiction in matters involving movement across provincial or international borders (aviation, marine transport and rail), whereas the provinces look after provincial highways, vehicle registration and driver licensing. Control over agriculture, immigration and certain aspects of natural resource management are also shared; but if federal and provincial laws in these areas conflict, the federal law prevails.

The **territorial governments** (Yukon Territory, Northwest Territories, and Nunavut) have more or less the same responsibilities as the provinces, but do not control land and natural resources. Further, their powers are not guaranteed by the Constitution but are granted by the Federal Government, which can change them when it is considered necessary.

A basic principle of the *British North America Act* (also known as the *Constitution Act*) is that any power not specifically assigned to provincial legislatures belongs to the Parliament of Canada. Such powers are called **residual powers** and are captured under the **P.O.G.G.** (“Peace, Order, and Good Government”) **clause** allowing the national government to make any laws in areas not expressly reserved to the provinces. In interpreting the law, the courts have generally followed the principle that if the power appears to be local, then it will be assigned to the provinces and territories, and if national, then to the Federal Government, or to both levels if the power is both national and local (for example, the environment).

**Municipalities** are formed to handle the affairs of cities, counties, towns, villages, districts and metropolitan regions. They are set up by provincial legislatures and have only such powers as the provinces give them. They provide citizens with services such as water and sewer systems, garbage disposal, roads, building codes, parks and libraries and have authority over property tax.

### **Elections**

Canadians play an active role in how and by whom Canada is governed. We elect members of Parliament to the **House of Commons** and to our provincial and territorial legislatures to make decisions and enact laws on our behalf. Regular elections ensure that Canadians continue to be represented by candidates of their choice. The Constitution sets the maximum term of a Parliament at five years. However, the government in power may call an earlier election at any time. To do so, the Prime Minister must ask the Governor General to dissolve the House and call the election.

Representation in legislatures is based on geographical divisions known as electoral districts, constituencies or ridings. Each riding elects one member to the legislature. Federally, riding boundaries are established every ten years by independent commissions, taking into account population and social and economic links. Elections are conducted riding by riding, with the winner being the candidate with

the greatest number of votes. It is not necessary to have a majority of votes to win. Most candidates running in federal, provincial or Yukon elections belong to a political party.

Political parties are a group of people who establish a constitution outlining their common vision, elect a leader and other officers, and support candidates for election to the House of Commons federally, or to the legislature provincially or in the Yukon. Although for the first half century of its existence, Canada had only two political parties, Conservative and Liberal, since the 1920s, there have been representatives from at least three to five political parties in Parliament. To be registered for a federal election, a political party is required to have had at least 12 members in the previous Parliament, or must nominate a minimum of 50 candidates 21 days prior to the election. Provincially and in the Yukon, the process is much more complex, ranging from single-party dominant systems to competitive three-party systems across the country (candidates in territorial elections in the Northwest Territories and Nunavut are not members of political parties).

All Canadian citizens at least 18 years of age on Election Day are eligible to vote, with very few exceptions. To ensure impartiality, the officials responsible for election administration—the Chief Electoral Officer and the Assistant Chief Electoral Officer—may not vote in a federal election. Some residency restrictions apply for voters outside the country.

## Task 2: The Top Jobs

1). Read the *Top Jobs* article below. This reading describes some of Canada's most important government structures and government-related jobs; use the reading to develop working definitions for structures/jobs listed on the *Power Grid Activity Sheet*. Each *complete* definition should be around an average of 25 to 50 words in length.

- The article does not provide a definition for everything on the grid. Use a combination of the introductory *Branches of Government* handout and *Google* to find definitions for missing items.

**Note:** include the name of the current person occupying each of the following positions, e.g. monarch, governor general, leader of the official opposition and prime minister.

### THE TOP JOBS

Canada is a constitutional monarchy. This means that although the **Monarch** is our Head of State, his or her powers are limited by our Constitution.<sup>6</sup> Over the years, the Monarch's role has become largely symbolic and traditional.<sup>7</sup> Canada's elected representatives and appointed officials have taken over the reigns of the decision-making process. Here is a list of the top jobs in the Federal Government.

The **Prime Minister** controls the organization of government and makes a wide range of appointments including judges, cabinet ministers, ambassadors and many other senior public servants. A typical day for the Prime Minister can include answering questions in the House of Commons during Question Period, meeting official foreign delegations to Ottawa, attending Cabinet meetings, seeing to correspondence as well as representing the needs of his or her home **riding**.<sup>8</sup> The Prime Minister also spends time meeting Canadians across the country as well as travelling overseas to represent Canada's views while meeting with other world leaders.

For decisions not made officially by the Prime Minister, he or she advises the Governor General on, for example, when to dissolve Parliament and when to call an election, or on appointments of individuals to

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<sup>6</sup> The word Constitution is used in reference to the document which brought the Dominion of Canada into existence in 1867. Canada came into existence in 1867 through Britain's passing of the *British North America Act* (1867). This act is also commonly referred to as the *Constitution Act* (1867). The Constitution actually goes by a third name: in 1982 Prime Minister Pierre Elliot Trudeau patriated (brought back) Canada's founding documents from Great Britain and inserted a *Charter of Rights and Freedoms* in it; thus, the *Constitution Act* was renamed the *Canada Act* (1982).

<sup>7</sup> The Monarch is Canada's official head of state. Since the middle of the 19<sup>th</sup> century, the Monarch's power has devolved (moved into) Canada's *Constitution*. Their power in the 21<sup>st</sup> century is essentially symbolic, in that, she represents and provides traditional legitimacy to the *idea* of the rule of law; they have the right to appear before Parliament, the right to advise Parliament, and the right to be advised by the Canadian Government about important changes to the law and public policy.

<sup>8</sup> The word "riding" is synonymous with terms like electoral district or constituency. Ridings have distinct geographic boundaries and vary in size. Every electoral district has approximately 65,000 Canadians living in it. For this reason ridings in cities tend to be geographically smaller compared to ones in rural areas. Every riding elects one elected representative to Canada's Parliament in Ottawa. Since 2015 there have been 338 electoral districts in Canada.

the positions of Chief Justice of the Supreme Court of Canada, Lieutenant Governors and positions in the Cabinet and Privy Council.

The **Cabinet** is the most powerful part of government. Its chairperson, sometimes referred to as *primus inter pares*, or “first among equals,” is the Prime Minister and its members are the ministers in charge of government departments, or sometimes called **ministries** or portfolios (Finance, Health, Agriculture, Education, etc.). **Cabinet Ministers** are members of the governing party and elected members of the House of Commons (or, more rarely, Senators). The Prime Minister also chooses ministers with an eye to building a team broadly reflecting the diversity of Canadian society in terms of region, language, gender, and background. By **convention**,<sup>9</sup> every province has at least one Cabinet Minister. It is in Cabinet ministers discuss legislation, prepare policies, plan parliamentary strategy, and generally decide government policy.

## Snapshot

In 1911, **Sam Hughes** was Canada’s Minister of Militia and Defence. When war was declared in 1914, Hughes raised, trained, and armed 33,000 Canadian soldiers and accompanied them to Britain. Hughes’ role in regard to the British army was limited, but he insisted on interfering with the chain of command. The Prime Minister, **Sir Robert Borden**, knew Hughes’ behavior was erratic and troublesome, but also that he was a popular figure with the public. Since Hughes’ dismissal from Cabinet would reflect badly on the government, the Prime Minister allowed him another chance. But in September 1916, Hughes disregarded the Prime Minister’s explicit instructions, who immediately gave the duties of Minister of Militia and Defense to two other ministers. When Hughes protested angrily to Borden, he received a letter demanding his resignation. In the letter, Borden wrote: “You must surely realize that I cannot retain in the government a colleague who has addressed to me such a communication. I regret that you have thus imposed upon me the disagreeable duty of requesting your resignation as Minister of Militia and Defence.”

The **Speaker of the House of Commons** is a Member of the House and is elected by all Members by secret ballot before a new Parliament opens. The **Speaker of the Senate** is appointed by the Governor General on the advice of the Prime Minister. The role of both Speakers is to ensure that fairness prevails in the House of Commons and the Senate. An important consideration in the performance of the Speakers’ duties is that he or she be non-partisan (this means they are not supposed to work in the interest of any single political party but try to act in such a way that benefits *all* Canadians). The Speaker aims to make the rules of Parliament apply equally to all Members and Senators, from the Prime Minister to a backbench member of the smallest opposition party.

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<sup>9</sup> A convention is a custom that has developed over the course of time; they are not like laws, in that, the government must submit to and obey them; rather, conventions are like habits which develop over time because they reflect some sort of practical purpose. For example, it is by convention, and not by law, that the leader of the political party receiving the most votes in the last election becomes the Prime Minister.

**Senators**, like Members of Parliament, represent Canadians from their home region. While the House of Commons represents Canadians on the basis of population, the Senate's role is to ensure that regional, provincial, and minority interests are taken into account by Parliament. Today, the Senate has 105.

## Snapshot

**Cairine Reay Mackay Wilson** was appointed as the country's first woman Senator in 1930 by Prime Minister King only four months after the ruling in the so-called "Persons Case", in which the legal definition of the term "person" was changed so that women were no longer barred from public office or full participation in the affairs of state. As a Senator, she championed issues such as divorce and immigration and was unafraid to take a stance contrary to the Prime Minister's. Her concern for refugees was marked by personal acts of kindness in addition to her service as president of the League of Nations Society of Canada. She became Canada's first woman delegate to the United Nations General Assembly in 1949, first woman to chair a Senate Standing Committee (Immigration and Labour) and chairperson of the Canadian National Committee on Refugees.

As public figures and representatives, Senators have many responsibilities. They participate in debates in the Senate on legislation and issues of national importance, sit on committees for the approval or amending legislation, examine questions of government policy, and study government spending proposals. Senators also travel across the country to meet with and discuss relevant issues with Canadians.

Senate reform has long been discussed in Canada as many critics point to the poor attendance record of some senators as well as what is perceived as the limited role of the institution. In the 1990s, the call for a "Triple-E Senate"—elected, equal, and effective—was raised. However, neither these suggested changes, nor those in senators' election and duties proposed in the 1992 Charlottetown referendum,<sup>10</sup> were ever approved or implemented.

A major criticism of the Senate was how, since its creation in 1867, it has served as a sort of cozy retirement home for government supporters of the various political parties, e.g. when the Liberal Party controlled the government it would appoint "liberal friendly" senators to the Senate; and when the Conservatives were in power they did the exact same thing. This practice contradicted the fact the Senate was designed to be:

- **Politically neutral** as senators were not supposed to have any affiliation with any single political party but work in the interests of all Canadians

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<sup>10</sup> A referendum is a general vote by the electorate (people eligible to vote) on a single political question that has been referred to them for a direct decision by the government. In 1992, the Canadian Government asked the people of Canada if they would agree to recognize Quebec as a "distinct society" and the majority of Canadians said no. If the majority had said "yes", it would have initiated a series of events leading to greater independence for Quebec and a subsequent decline in the Federal Government's authority.

- **Provide a “sober second look”** at proposed new laws (called bills), e.g. the House of Commons would propose a bill and the Senate would either give the bill approval or send it back to the House of Commons with a series of recommendations
- **Preserve the “institutional memory” of the Canadian Government** thereby ensuring new laws would reflect simultaneously the values of multiple generations of Canadians

Crony appointments<sup>11</sup> to the Senate, however, have served to undermine the Upper Chamber’s purpose, i.e. senators have typically retained their connection to political parties thereby recreating the same divisions that in principle should only affect the House of Commons. The problem of cronyism became particularly apparent when it was discovered in 2012 that three Conservative senators were using tax payer money to pay for questionable personal expenses. Stephen Harper, Prime Minister and leader of the Conservative Party at the time, was criticized for not effectively dealing with corruption within the Senate (even enabling it at a certain level).<sup>12</sup>

## Snapshot

The results of the 1925 federal election produced no clear majority in the House of Commons, which is an infrequent occurrence. **Governor General Byng** called upon **William Lyon Mackenzie King** to form a government, as Byng believed that the Liberals under the leadership of Mackenzie King could secure the support of a majority of Members of Parliament. When the Liberals lost the confidence of the majority eight months later, Mackenzie King asked Byng to call a new election; Byng refused the Liberal leader’s request and Mackenzie King resigned in protest. Byng then called upon **Arthur Meighen**, the leader of the Conservatives, to form a new government; it was only after Meighen’s government in turn lost the confidence of a majority of Members of Parliament that Byng dissolved Parliament to call a new election. This constitutional crisis came to be known as the King-Byng affair; the crisis had huge implications for the role of the Governor General in Canada, i.e. it demonstrated that the Governor General, a non-Canadian and unelected representative, had too much influence over Canada’s government. Since **Lord Elgin** gave the *Rebellion Losses Bill* royal assent in 1848, the Governor General’s role had evolved into one of “non-interference.” However, under Byng the Governor General over-stepped their authority. In 1931, Canada along with Australia and New Zealand was given complete independence from Great Britain with the passage of the *Statutes of Westminster*.

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<sup>11</sup> Cronyism is defined as the appointment of friends and associates to positions of authority, without proper regard to their qualifications.

<sup>12</sup> Conservative Senator Mike Duffy was a senator for Prince Edward Island. Senators are legally-speaking required to live in the province they serve. Duffy created a controversy when he claimed his primary residence was in Prince Edward Island; however, it was evident he was actually living in Ottawa. Senators can claim their living costs as an expense and get that money back. Prime Minister Stephen Harper consulted a constitutional lawyer asking them whether or not Duffy was in the wrong. The lawyer reputedly was of the opinion that Duffy’s living in Ottawa and claiming living expenses in Prince Edward Island did appear to violate constitutional law. Harper decided to ignore the advice of the lawyer touching off a costly investigation into Senate corruption generally.

For this reason in 2015 and 2016 Prime Minister Justin Trudeau attempted to fix the Senate. Trudeau knew he likely wouldn't be able to modify the Upper Chamber at the level of the Constitution; thus, in an effort to make the Senate "more independent, less partisan and hopefully more ethically minded" he dissolved the **Liberal Caucus**<sup>13</sup> in the Senate so senators have to sit as independents. He likewise asked senators from other parties sit as **independents**.<sup>14</sup> Response from senators belonging to other parties was mixed, i.e. many doubted the gesture would work because ultimately it relied not upon the law but upon voluntary change. Prime Minister Trudeau appointed a five-member advisory board to search for qualified candidates for the Senate. In so doing, he is attempting to make appointments to the Upper Chamber **merit-based** rather than a reflection of party affiliation.<sup>15</sup>

**Backbenchers** are elected Members of the House of Commons whose job includes representing the constituents from their riding and supporting the leadership of their respective parties in the House of Commons. Many backbenchers participate on committees and introduce **Private Members' bills**.<sup>16</sup> Normally, backbenchers are newly elected Members of Parliament (MPs) who sit along the "back benches" of the House of Commons and learn the processes and procedures of government.

The **Governor General** is appointed by the Monarch on the Prime Minister's recommendation and is the representative of the **Crown**<sup>17</sup> at the federal level. The Prime Minister nominates the Governor General for his or her five year term. He or she holds the constitutional rights of **Head of State**<sup>18</sup> and is responsible, on the advice of the Prime Minister, for calling Parliament into session, **proroguing** it (ending a session) and dissolving it before elections. The Governor General has exclusive power to appoint the Prime Minister, and normally chooses the leader of the party with the most seats in the House of Commons. If there is no clear majority, the Governor General must exercise his or her discretion in calling on a party leader who would be able to command the support of most Members of Parliament.

The Governor General reads the **Speech from the Throne**, opening Parliament and setting out the Government's vision for the country with the policies and actions it plans to take. The Governor General is also the Commander-in-Chief of Canada and encourages excellence and dedication in the Canadian Forces. He or she promotes Canadian sovereignty both within Canada and overseas. When traveling across Canada, the Governor General participates in cultural and community events, recognizes outstanding achievements, and encourages Canadians to be proud of their country. Although the

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<sup>13</sup> Caucus is a word used to refer to a conference, or gathering, of members of a legislative body who belong to a particular political party or faction.

<sup>14</sup> Independents are Members of Parliament or the Senate who do not belong to any particular political party.

<sup>15</sup> <https://www.thestar.com/opinion/editorials/2015/12/03/trudeaus-plan-for-senate-reform-goes-in-right-direction-editorial.html>. Date accessed: March 28, 2018.

<sup>16</sup> A private member's bill is a bill introduced in the House of Commons by a Member of Parliament who is not a cabinet minister.

<sup>17</sup> Crown is a term used in reference to the authority Government of Canada (through the Monarch). For example, during a trial an accused person will be tried by the Crown, e.g. The Crown versus Smith.

<sup>18</sup> The Head of State is the chief public representative of a country, such as a president or monarch, who may also be the head of government. In the Canadian context, the Monarch is the Head of State (through the Governor General); however, the Prime Minister is the Head of the Government.



position has evolved into largely a ceremonial one, the Governor General, nonetheless is an important figure in promoting Canadian unity by presenting various awards, delivering many speeches across Canada, and presiding over important opening and commemorative ceremonies.

Canada's ten **Lieutenant Governors** are the Crown's representatives within the provinces and their provincial responsibilities to some extent mirror those federal responsibilities of the Governor General. They are appointed by the Governor General on the advice of the Prime Minister, usually in consultation with the respective Premier. In reality, the Governor General approves the Prime Minister's choice, who has consulted with his provincial counterpart. They symbolize their province's equal status within Confederation and lend the prestige of their offices to worthy causes such as the promotion of provincial unity, identity and pride during their five-year term.

Canada's three territories have **Territorial Commissioners** whose duties are similar to those of Lieutenant Governors, but they represent the federal government instead of the Crown. They are appointed by the federal government and act under instructions from the Minister of Crown-Indigenous Relations and Northern Affairs. More recently, however, greater executive power has been held by territorial Leaders of Government and Cabinets, and the Territorial Commissioner's role is becoming more ceremonial and advisory.

### Task 3: Setting the Rules

- 1). As a class read the article *Setting the Rules: How We Make and Enforce Laws*.
- 2). Then distribute a copy of the *Canadian Charter of Rights and Freedoms* to each student.
- 3). Read and discuss the *Charter's* opening statement: "Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law."
- 4). The *Charter* is divided into a series of categories touching upon different aspects of Canadian society. Using your copy of the *Charter* write a brief description of what rights each section protects or secures. For example:

**Fundamental Freedoms:** freedom of conscience and religion are protected; freedom of conscience, thought, belief, and speech are preserved; freedom of peaceful assembly and freedom of association are guaranteed.

- 5). The remaining sections to be defined are: Democratic Rights, Mobility Rights, Legal Rights, Equality Rights, Official Languages of Canada, Minority Language Educational Rights, Enforcement, General, Application of the Charter.
- 6). In groups of four, use the *Charter* to create relevant legal interpretations and answers to the questions presented on the *Judging Your Rights Activity Sheet*.

### SETTING THE RULES: HOW WE MAKE AND ENFORCE LAWS

#### Parliament

Parliament's job is to make laws and to watch over the executive branch. It also serves as the nation's debating chamber, encouraging the free exchange and discussion of ideas. The rules of Parliament guarantee the right of opposition members to criticize the governing party. Through review and discussion, members of Parliament continually challenge and test the Government's policies and help to identify the best course of action for the country.

The liveliest part of the day in the House of Commons is usually the 45 minutes called **Question Period** when members (most from opposition parties) question the Prime Minister and Cabinet ministers concerning the Government's actions and policies. In the Senate, questions are asked of the leader of the Government in the Senate. Question Period plays an important role in keeping the Government responsible and responsive to Canadians. The Leader of the Official Opposition (or his or her deputy) always asks the first question.

Much of the business of Parliament involves the consideration and passage of **bills**, the term used for proposed laws. Both members of the Senate and the House of Commons can propose bills. However, if they involve spending public money or imposing taxes, bills can only be initiated in the House of Commons.

A bill goes through the following steps on its way to becoming a law:

**First Reading:** the bill is introduced and read a first time in either the House of Commons or the Senate, and then printed up for study.

**Second Reading:** Members debate and vote on the principle of the bill. The bill is usually referred to a Standing Committee (of 7 to 15 members), and/or to the Committee of the Whole (that includes all the members of the House or the Senate who conduct an informal session). Political parties are represented on committees in proportion to their numbers of seats.

**Consideration in Committee:** Committee members study the bill clause by clause. They may summon witnesses and experts to provide information on the bill and develop amendments (changes).

**Report Stage:** the Committee reports on the bill, clearly indicating any proposed amendments. Additional amendments may be proposed at this stage. The House considers the amendments and votes for or against them.

**Third Reading:** the bill is debated and voted on in its final form.

Once a bill initiated in the House of Commons has been through three readings, it is then sent to the Senate to be read, debated, and possibly amended, in a similar process. If the Senate amends the bill, then it must be returned to the House for debate and a vote.

The few bills introduced in the Senate go through a similar process, first in the Senate, then in the House of Commons. The majority of bills, and *all* bills related to the spending of public money and raising taxes, are introduced in the House of Commons.

When the same version of a bill has been passed by both the House and the Senate, it is ready for Royal Assent. **Royal Assent** is normally given by the Governor General or, in the Governor General's absence, by his or her deputy (usually a judge of the Supreme Court). Upon receiving Royal Assent, the Bill becomes an Act of Parliament and is then considered law. Following Royal Assent, the law must then be called into force before the judiciary can enforce it. There are three ways a law comes into force: upon Royal Assent; on a specific date as set in the Bill; or, by a date to be set by an **Order in Council**.<sup>19</sup>

### Judiciary

Canada's laws, once they have been given Royal Assent, are enforced by our courts. In all criminal cases, the interests of the people of Canada are represented by the Crown. For example, *R v. Smith* means "**Regina**" or "**Rex**" versus Smith, Smith being the person accused of committing a crime; Regina is Latin meaning "queen" and Rex means "king." As well, the prosecution is referred to as "the Crown" in Canada's courts.

The Supreme Court of Canada is the highest court in the land. It is the final court of appeal, at the top of Canada's justice system. The Supreme Court considers civil, criminal and constitutional cases, but normally only after the cases have already been heard in the appropriate federal, provincial or territorial courts.

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<sup>19</sup> An Order in Council is just a fancy term referring to a decision made by the Governor General with the permission of Cabinet. For example, the Governor General *symbolically* makes a decision but the actual decision is made by the Prime Minister and their Ministers (who belong to the Cabinet).

Nine judges make up the Supreme Court, which is led by the Chief Justice. All Supreme Court justices are appointed by the federal government. Three of the judges must come from the Quebec Bar. By tradition, three others come from Ontario, two from Western Canada and one from the Atlantic Provinces. Any Canadian can have his or her case heard by the Supreme Court, but only after being granted “leave” to do so by the court. Leave is granted for cases involving a matter of public importance, a significant question of law, or a law or principle concerning Canada’s *Constitution*.

The Federal Court of Canada hears claims by or against the federal government. It also decides on matters relating to maritime law (law of the sea), copyright, patent and trademark law, federal taxation laws, interprovincial transportation and communication, and aeronautics, among others. It also acts as a court of appeals for territorial courts, decisions of federal boards and commissions, and for the Tax Court of Canada.

As well, there are Supreme or Superior Courts, Courts of the Queen’s Bench, and Courts of Appeal at the provincial and territorial levels.

All federally appointed judges must be lawyers with at least ten years of experience, approved by *ad hoc* advisory committees, and confirmed by the federal Cabinet. Canada’s judges are independent, financially and politically, a principle which is guaranteed in our *Constitution*.