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Form and Structure of the Government

Form

Canada is a federal state, a parliamentary democracy and a constitutional monarchy. The head of state is Her Majesty Queen Elizabeth II, Sovereign of Canada. Her representative in Canada for federal jurisdiction is the Governor General. Her representative for provincial jurisdiction is the Lieutenant Governor.

The Lieutenant Governor of Saskatchewan is the Queen’s direct representative in Saskatchewan and symbolizes provincial co-sovereignty in Confederation. The federal government appoints the Lieutenant Governor and an administrator to act when the Lieutenant Governor is unavailable.

As a federal state, Canada has two concurrent jurisdictions – central (federal) and provincial. Canada has a federal government with certain powers and provincial governments with certain powers. The federal and provincial governments also share some powers.

Provincial governments have delegated powers to authorities such as municipal governments and school boards, which are not tiers of government but are structures created by the provincial governments. Governments also create other structures such as agencies, boards and commissions and delegate certain powers to them.

In federal jurisdiction, the head of government is the Prime Minister. In provincial jurisdiction, the head of government is the Premier.

The powers of the federal and provincial governments are defined in the Constitution of Canada, the *Constitution Act, 1867-1982*. The formal executive powers of the governments are vested in the Crown, which acts on the advice of responsible ministers.

In a “constitutional monarchy,” the Crown is an institution that represents the democratic power of the people, which is greater than the powers of the government of the day and political parties. The Crown, personified by the Queen, formally retains the powers of government. The governing party is given powers to govern (executive powers) on a temporary basis.

In a “parliamentary democracy,” the people elect representatives to Parliament and the Legislative Assembly. The governing party governs through Cabinet, which is headed by the Prime Minister or Premier. Cabinet is accountable to Parliament or the Legislature.

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Principles of Parliamentary Democracy

The principles of parliamentary democracy as applied provincially are the following:

- The government is accountable to the people for its action.
- Elections to the Legislative Assembly must be held regularly, no more than five years apart.
- Election of Members of the Legislative Assembly (MLAs) is by secret ballot.
- The number of representatives elected is based on the principle of “representation by population”.
- The political party with the most MLAs usually governs and the leader of that party becomes the Premier.
- Cabinet is accountable to the Legislature and must retain its confidence or resign.
- The Legislative Assembly must meet frequently (at least once a year) and there must be freedom of speech.
- The Legislative Assembly reviews proposed executive spending and revenue raising measures before granting supply, and has the right to scrutinize the spending of public money.
- The Legislature enacts laws for the Province.

The law of the land is supreme. Individuals, governments and corporate bodies must obey the law. All citizens are equally subject to the law and disputes are adjudicated through the courts.

Structure

The *Constitution Act, 1867-1982* (which includes the *Canadian Charter of Rights and Freedoms*) and the *Saskatchewan Act* establish the constitutional framework of the Government of Saskatchewan.

The Crown

The Lieutenant Governor is the custodian of the powers of the Crown and exercises the Queen’s formal powers as head of state. Most of the powers of the Crown are exercised by Cabinet; however, the Crown, as the institution that represents the power of the people and is the protector of democracy, retains the power to intervene and dismiss governments in extremely rare circumstances. The Lieutenant Governor’s main responsibility is to ensure there are always a Premier and a government in office.

The Lieutenant Governor's duties are:

- to formally dissolve the Legislature, which comprises all the sessions of the Legislative Assembly between elections;
- after an election, to determine the person who has the support of the majority of the members of the Legislative Assembly and appoint that person as Premier;
- to appoint the members of Cabinet on the recommendation of the Premier;
- between elections, to prorogue sessions and recall members;
- to open each session by reading the Speech from the Throne;
- to give Royal Assent to bills in order for them to become law;
- to sign Orders in Council and Letters Patent;
- to represent the Province and the Crown at ceremonial functions and to assist society through the arts and volunteer organizations; and
- to confer official honours of the Provincial Crown.

For the purpose of governing, the powers of the Crown are administered by three branches of government:

- Legislative (the Legislature)
- Executive (the Premier and Cabinet ministers)
- Judicial (the courts)

Legislative Branch

Although the Legislature has delegated some of its powers to others (e.g., Cabinet, ministers, boards and Crown corporations), it retains financial, legislative and scrutiny powers.

The Legislature has powers over spending by reviewing the Estimates (i.e., detailed financial plan on expected revenues and moneys expected to be spent from the General Revenue Fund) and then supplying money (i.e., appropriations).

The Legislature also has powers over law-making by enacting legislation. Before becoming an Act, a bill (i.e., a separate piece of proposed legislation) must be considered and passed by the Legislative Assembly and assented to by the Lieutenant Governor. Under *The Legislation Act* an Act comes into force on the day of assent (i.e., when the Lieutenant Governor indicates approval) unless the Act specifies a date or on the occurrence of a specific event. For example, an Act could come into force on a date fixed by Order in Council or at the same time another Act comes into force.

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The Legislative Assembly also has powers of inquiry, debate and review of government activities through oral question period, written questions, returns and legislative committees.

In 2003 a new committee structure was adopted that involved standing committees in the review of legislative proposals and budgetary estimates and allowed these committees to review the activities of government by undertaking inquiries or reviews.

There are three types of legislative committees: committees of the Whole Assembly; standing committees; and special committees.

The [Committee of the Whole Assembly](#) comprises all of the members of the Legislative Assembly. The Deputy Speaker, rather than the Speaker, presides. The [Committee of Finance](#) is a committee of the Whole Assembly that considers estimates and appropriation bills. It is appointed at the start of every session after the adoption of an Address in Reply to the [Speech from the Throne](#).

Standing committees are set up at the beginning of the first session of each legislature for the duration of the legislature. There are three types of standing committees: house; scrutiny; and policy field committees.

One house committee is the Standing Committee on House Services which among other things oversees all the standing and special committees with respect to membership and allocation of government ministries, agencies and Crown corporations to the various policy field committees.

The [Standing Committee on Public Accounts \(PAC\)](#) and the Standing Committee on Private Bills are scrutiny committees. Other committees perform scrutiny functions in addition to their other functions. The Reports of the Provincial Auditor (except as they relate to the Crown Investments Corporation of Saskatchewan (CIC) and its subsidiaries) are permanently referred to PAC as soon as they are tabled in the Legislative Assembly or filed with the Clerk.

[Policy field committees](#) are mandated to oversee a portfolio of government ministries, agencies and Crown corporations. They examine legislative proposals, budget estimates, annual reports, regulations, and bylaws of professional associations and conduct inquiries related to their portfolio. One of these committees is the [Standing Committee on Crown and Central Agencies](#).

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This Committee's portfolio relates to CIC and its subsidiaries, supply and services, central government agencies, liquor, gaming and all other revenue related agencies and entities. Reports of the Provincial Auditor that relate to CIC and its subsidiaries are permanently referred to the Standing Committee on Crown and Central Agencies.

Special committees are appointed by the Legislative Assembly for specific matters.

The [Board of Internal Economy](#) is a statutory board of the Legislative Assembly. The Board of Internal Economy oversees the organization and administration of the Legislative Assembly.

The Legislative Branch is the most visible of the branches of government. It meets at least once a year and its meetings are public. The Throne and Budget Speeches are delivered in the Legislative Assembly and the meetings of its committees are often public. The Lieutenant Governor attends the Assembly to deliver the Throne Speech and to give Royal Assent to bills passed by the Assembly.

Officers of the Legislative Assembly are also part of the Legislative Branch. The officers of the Legislative Assembly are the Chief Electoral Officer, the Advocate for Children and Youth, the Conflict of Interest Commissioner, the Information and Privacy Commissioner, the Ombudsman, the Public Interest Disclosure Officer, and the Provincial Auditor.

Executive Branch

Pursuant to *The Executive Government Administration Act*, the Lieutenant Governor appoints the Executive Council (i.e., Cabinet) and a President of the Executive Council. In Saskatchewan, by tradition, the Premier is appointed the President of the Executive Council.

All ministers are in Cabinet. The Premier is chair of Cabinet and the Minister responsible for the Office of the Executive Council, which is part of executive government.

Cabinet exercises the specific authority that has been delegated to the Lieutenant Governor in Council by the Legislative Assembly or that is permitted through common law. Cabinet makes decisions with respect to proposed Orders in Council and regulations and determines government policies, priorities, the legislative agenda and the Budget.

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The term “Lieutenant Governor in Council” is used to indicate that the Legislative Assembly has delegated power to the Lieutenant Governor to use on the advice of Cabinet. Orders in Council are legislative instruments issued by the Lieutenant Governor in Council. Orders in Council are recommended by a Cabinet minister(s) and signed by the President of the Executive Council. The Lieutenant Governor then signs, which brings the Order in Council into force.

Because the Executive Branch is responsible for considering policy options prior to decisions being made, it operates on a much less public and much more confidential basis.

Judicial Branch

According to ancient constitutional tradition, the Crown is the fountain of justice. However, it has been an established principle for centuries that the judicial power is exercised by impartial, independent courts. They act independently to ensure that decisions are not influenced by Cabinet, the Legislative Assembly or others. Judicial independence is a keystone of our constitutional system.

The judiciary adjudicates disputes, sets social standards, makes laws and keeps the Government in check. This branch has its own structures, systems and processes.

References

- [1200 Role of the Legislature to Control Public Money](#)
- [1300 Government Management and Control](#)
- [1400 Financial Management and Control](#)
- [1500 Applicability of the Financial Administration Manual](#)

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