

Civics

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* A representative government means that the people of the country choose representative who govern the country in their name.

* A federation exists when the federal government has more power than the provincial

* A co-federation is when the provincial government has more power than the federal

* Special provisions regarding education and language

Education is under provincial control

But the B.N.A Act provides protection for religious groups that have separate school

* In cases of uncertainty the federal government has residual power, which gives it the power to make laws in any area not specified in Section 92.

Chapter 3

Canada's Parliamentary System

Electing a house of commons

- The P.M. must first dissolve parliament and consult the chief electoral officer. The chief electoral officer is a permanent member of government and he along with the P.M. must decide on an election date.

- In Canada the election day must be on a monday.

- In each riding, (295) a returning officer is appointed by order in council and must prepare for an election which take approximately 7 weeks.

- During this time the following events take place

1- Enumerators appointed by returning officers make door to door surveys of all the dwelling and compile a list of voters.

2- The preliminary list are then printed.

3- Eligible name not included on the list may appear before a revisiting officer had their name printed.

4- The revised list is then printed.

5- The candidates are nominated

6- The ballots are printed

- Since the quality of the government depends on the quality of the candidates voting them in is very important.

- The political parties nominate their own candidates in each riding. These candidates must be elected at party conventions by a majority vote.

- Both the independents and party candidates must send their nomination to the returning officer along with 10 signatures and a deposit of \$200.00

- Any candidate who gets less than half of the votes of the winning candidate loses the deposit.

Forming a Government

- Once the election is over, all the successful candidates make up the House of Commons.

* If the party that formed the last government still has a majority of seats in the new House of Commons, the Prime Minister and cabinet will keep their offices, this is also true if they win in their own riding.

* If the previous government is defeated then the new Prime Minister must pick people from his winning party as his or her new cabinet members. These chosen members are called "Ministers of Crown" and together they form the new cabinet. Therefore all ministers as well as the Prime Minister must have seats in the House of Commons in order to become cabinet ministers.

- The cabinet once chosen becomes the government and they determine policies and prepare legislation and guide it through parliament.

- All important matters are discussed in secret meetings with all the ministers in order for everyone to voice his or her opinion.

* Once a decision is reached all differences are set aside and the cabinet presents a united front to the world. This outward support and unity is known as cabinet solidarity.

- If a member of the same party disagrees with the rest of the cabinet he must either agree or resign his seat as the party must always stand together.
- The heaviest load falls on the Prime Ministers as he holds the government together and becomes the overall image of the government.
- The Prime Minister has two offices as one office looks after his day to day activities and the other is where his top advisors are.
- * His other office is called "Privy Council Office" which serves both the Prime Minister and his Cabinet. The clerk of the Privy Council who is the chief of the office is the Prime Ministers top advisor.

Prime Minister

Prime Minister's Office

Parliamentary Secretary
Principal Secretary
Executive Assistant
Private Secretary
Appointment Secretary
Press Secretary
Program Secretary
Administrative Secretary
Senior Correspondence

Privy Council Office

* Clerk of the Privy Council
Secretary to the Cabinet
Deputy Clerk of the Privy Council
Assistant Secretary to the Cabinet
Assistant Secretary to the Privy Council
Director of Administration
* Constitutional Conference
Constitutional Secretary

The Governor General and Senate

* The Governor General is the head of state and the symbol of unity of the country. He or she opens and closes each session of parliament and must give assent to each bill passed by both houses before it becomes law. He also meets important dignitary who visits the country.

- Another part of parliament that holds office by appointment is the Senate.

* All senators are appointed for life but they must retire before 75. They must be at least 30 years of age and own property of at least \$4000.00. The value of the property was to eliminate "poor" people from accessing to a government position back when parliament first started.

- Before the Governor General assents a bill it must first be passed by the House of Commons and Senate. However the Senate has less influence than the House of Commons because the Executive is not responsible to the Senate.

* The Senate can also reject a bill although this has not happen in 50 years and the Senate cannot reject a bill that has to do with money. (Budgetary bill)

- The Senate's major role is to take a good second look at a bill passed by the House of Commons.

Chapter 4

Parliament in Action

* The opening of parliament, on the morning of opening of parliament, the members of the House Of commons meet to elect a speaker who is nominated by the Prime Minister.

- The speaker main duties is to see all debates carried out in an orderly fashion and to insure that all rules and practices are in order.

- He does not vote in the House except in the case of a deadlock. The Senate also has a speaker who is appointed by the Cabinet.

- Both speakers hold office until parliament is dissolved but lately they have been re-elected by the winning party for a number of times.

- After he is elected and sits in the speakers chair the Mace is placed in front of him which is a symbol of his authority and goes with him on all formal occasion.

- The next stage in the ceremony occurs when the Governor General. after riding in states through the streets of Ottawa enters the parliament building and takes his place on the throne in the Senate.

- Then the "*Guy in Black*" called "*The gentlemen Usher of the Rode*" walks through the halls of parliaments building as he approaches the door, it is shut in his face and he must knock three times with his "Black Rode" and he then he is asked "Who is there." and he must reply "It's the Black Rode."

- He is then admitted and walks towards the speaker of the House of Commons and says; "Mr or Madame Speaker, his excellency, the Governor General of Canada commands the honorable House to attend him immediately in the Senate chamber."

- The Speaker and members of the Commons then follow him back to the Senate chamber where both House listen to the Governor General read the speech from the Throne. This speech is written by the Prime Minister and his cabinet which outlines the legislation they plan to deal with in the current mandate.

Parliament in session

- The parliamentary year is broken into three sitting periods known as the fall, winter and spring sessions.

- The legislative proposals brought before the House are called bills. They are always introduced by the Ministers whose department is involved.

- If a bill is defeated (only in minority governments) This reflects the opinion of the House and the Prime Minister must either withdraw the bill or ask the Governor General to dissolve parliament. So that an election could be held.

- Not all bills are government bills as any member in the House of Commons may bring in what is called a private members bill but most of these bills never get to be voted upon because of the lack of time in parliament.

- The role of the opposition is very important in the House because the government must justify and defend all of its bills under criticism and this gives the voters an opportunity to hear both sides of the bill.

* Certain members of the opposition are picked by their leader to become experts in the various government departments, to provide knowledgeable criticism and gives the House the opportunity to prove the party in power inadequate. These selected members are known as the "Shadow cabinet".

* The members of each party represented in the House holds weekly private meetings to discuss their strategies, this is known as a caucus meeting.

* Every bill before it becomes law, must be passed by a majority in each House and then, it must receive the Royal Assent from the Governor General.

* A bill will have 3 readings in each House. The first is simply an announcement of its title and it is not followed by a debate or vote.

* By the time the bill reaches its second reading it has been printed and circulated. There is a full debate and then it is followed by a vote.

* At this point the bill may be referred to as one of "Standing committees of the House" these standing committees are composed of members of the House and they are experts in the area that the bill is about.

- * Each committee specializes in a particular field. They can also call on citizens to testify before the House and these people are always specialist in the area that the bill is about.
- * The report is then made usually with amendments and delivered to the House.
- * All bills are given a third reading which allows members to discuss the final version of the bill.
- * The debate is usually brief since it has already been discussed.
- * After this, the bill goes to the Senate where it also has three readings, here they can make amendments and if this is refused by the House of Commons must select representative to resolve their differences. If the agreement is reached then the Senate could refuse to sign the bill and that would terminate for this Session.
- * If both Houses pass the bill then the Governor General gives it the Royal assent making the bill an act statute.

Second Semester

Chapter 5

Executive branch of Government

- It is the cabinet that really exercises the Executive power of our parliamentary system.
- The cabinet is made up of Ministers who must have seats in the House of Commons and it is the Prime Minister who selects from his winning party who the cabinet will be.
- * When Ministers are appointed to the cabinet, they become members of the Queens Privy Council for Canada.
- This Privy Council also has ex-cabinet Ministers in this office and some stay for life. There can also be other distinguished persons.
- However, the only active part of the Privy Council is the cabinet itself, and their major role is to provide a flexible link between the Executive and Legislative powers.
- The cabinet also carries out a number of other important duties as they must administer their departments and therefore they must rely on the permanent members of the department for information and advice.
- The next important person under the Minister himself is the Deputy Minister who is not a member of parliament but a civil servant.
- Because Ministers come and go so often, it is the Deputy Minister who is the most

senior permanent official in the department and therefore the Ministers most valuable advisor.

- Under the Deputy Ministers are the heads of the main branches of the department followed by the assistant heads right down to the clerk workers.

- The administrative departments of government also have other agencies to help them administer the country. There are commissions, agencies and boards to help them as well.

- There is also Crown Corporations that are owned by the government yet are administered by their own staff and these agencies are responsible to a cabinet minister.

- It is through the Civil service that most contacts between the citizens and the government take place and very often the entire government would be praised or condemned by the way the Civil servants treat the public.

- Citizens can therefore voice their concerns to a higher authority when dealing with Civil servants, and this is why they must remain impartial when dealing with the public.

Cabinet

Treasury Board

Privy Council Office

Departments

Agriculture
Communications
Consumer Corporate
Affairs
Employment and
Immigration
Energy, Mines and
Resources
Environment
External Affairs
Finance

Fisheries
Indian Affairs
Justice
Labor
National Defence
National Health
National Welfare
National Revenue
Post Office
Public works

Secretary of State
Solicitor General
Supply and Services
Transport
Veterans Affairs

Chapter 6

The Law, the Courts and Civil Rights

- In many criminal cases an accused person has the choice of being tried either by a judge and jury or by a judge alone.

- However when the charge is serious then judge and jury is the only means allowed.

- A jury is selected by the names from the voters list.

- Those selected are notified by registered mail stating that they must appear at the court house on a certain day and failure to appear could result in a charge known as contempt of court.
- Both the prosecuting attorney and the lawyer of the accused ask questions to each prospective juror in the presence of a judge and if anyone shows bias they are rejected from jury duty.
- Once the twelve jurors are selected their names are not allowed to be published for their own protection.
- Once the trial ends and the jury deliberates, they are kept in charge by the sheriff and are kept away from all communications with the outside world.
- They are not even permitted to telephone their families to ensure that all the jurors are not influenced by outside sources.
- Even if the judge shows bias then the prosecutor or the lawyer could request an appeal.
- The judge's role is to act as an impartial referee and to interpret the law and to make sure the trial is conducted properly.
- The twelve member jury selects a spokesperson to deliver their verdict they are given the opportunity to discuss the case behind closed doors and their final decision has to be unanimous.
- If only one person refused to go along with the others, then no verdict has been reached and they must continue their debates.
- * If still no decision is made, then the judge could dismiss them and order a new trial, this is called a "Hung Jury"
- If the accused is found guilty, the judge must sentence him or her as prescribed by the law. If he is not guilty, he is acquitted by the court and the trial is over.
- The accused also has the right to a pardon but this must be done by the minister of justice and it's very very rare.
- In Canada, we live under the rule of the law whereby everyone is entitled to a proper trial in a dictatorship the opposite occurs.

The Courts, two federal courts

- * #1 The supreme court of Canada, this is the highest court of appeal in Canada. They hear cases only if they have been appealed by lower courts. The 9 judges once they have reached their decision and without appeal. They usually hear cases related to the

constitution.

#2 Federal court, this hears cases from provincial government.

Provincial Courts

* #1 Quebec court of appeals. This is the highest in Quebec and hears appeals from lower court.

#2 Superior court, they hear cases of money over \$5000, major crimes, bankruptcies and divorces.

#3 Provincial court, this hears cases under \$5000 and also has a division called small claims court which hears disputes un \$1000.

#4 Sessions of Peace hears minor offenses

#5 Social welfare court, hears matters concerning children and adoption

#6 Municipal courts, this hears cases related to municipal bi-laws.

The Canadian System of law and law courts

- Under the constitution act, the criminal code is a federal responsibility and Canada has one system of criminal law for the whole country.

- Provinces and municipalities can make their own laws but only according to the powers given to them.

*** Today, all new laws are written into acts and are called "statute laws" years ago, before parliament was established in England they had a system called a "common law" where judges had no written law but depended on passed rulings from passed judges to base their decision.

Civil rights in Canada

- Canada, has always been a democratic country although the rights of citizens has never been fully written.

- In 1960, the bill of rights became part of the Canadian law but it excluded some fundamental rights so in 1968, the Canadian charter of rights was established to include more freedom for Canadians.

- The charter of rights and freedoms of the Constitutional act of 1982 enforced these rights and added even more.

- In 1982 the charter guarantees the right to vote, mobility right, equal rights, the guarantee of both official languages, minority languages and educational rights.

Chapter 7 Taxation in Canada

- Taxes are collected from the federal, provincial and municipal.
- There are different kinds of taxes between the levels of government.
 - 1- Property tax, based on the evaluation of land and buildings.
 - 2- Income tax, this is based on your income.
 - 3- Direct sales tax
 - 4- indirect sales tax, this is a hidden tax paid to the government by the retailer.
 - 5- Import tax or tariffs, this occurs when the government places a tax on goods imported from another country.
 - 6- Capital gains tax, this tax is made through the use of capital either through real-estate, stock market or other ways obtained.

Chapter 8 British and American Government

- * British government

- * The British House of Commons has 630 members.

- * The House of Lords is exactly like our Senate in Ottawa and is called the upper house. They have about 1179 members in which almost 900 are passed members of parliament and there are about 26 bishops and arch bishops from the church of England.

- * Like the Senate in Ottawa the House of Lords can not reject a money bill except if the bill is passed twice in the House of Commons within one year, then it becomes law without the assent of the House.

- * Also if a bill is passed in the House of Commons in three consecutive sessions within

two years, then it can also become law without the assent of the House of Lords.

* The House of Lords is also the highest court of appeal for legal cases. They have nine members who are called "Law Lords" which act as judges just like our judges. Therefore this House can sit as a Legislative or a Judicial body.

* The house also has a Lord Chancellor who is head of the House of Commons and of the Judiciary. He is always a member of the cabinet and is appointed by the Prime Minister and goes out of office with the government.

* The British government also has a Monarch which is very much like the governor general in Canada.

* The Monarch has two basic rights;

#1 The right to be informed about what the cabinet is doing.

#2 The right to advise or warn the cabinet even though the cabinet need not listen to the advice.

The American Government

- The constitution of America is not long but does two things;

#1 It describes the machinery for the government and outlines the power of its different parts.

#2 It sets-up federal system by dividing power between the national government on the one hand and states governments on the other.

- The constitution in article VI (6) states that it is "The Supreme Law of the Land" and this is above national and state government. The president must swear to uphold all his term.

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* U.S. Government *
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#3 A judiciary consisting of a supreme court and other national court that Congress may create.

Presidency

- The president and vice president are elected for a four year term and the election takes place on the tuesday following the first monday of the year that can be evenly divided by four.

- As of 1951, they can only be president for two terms and are inaugurated on January 20th.

- The president is the executive and nobody else. The president does have a legislature they call it Congress and the president can not be a member of Congress and that means that sometimes Congress can be in conflict with the president.

- There is also a cabinet in the U.S. which consists of twelve heads of departments and they are called secretary (of state, defence) However this cabinet can not sit in Congress and they hold office only as long as the president wishes. the president chooses his cabinet but the Senate must approve his choice by a 2/3 majority.

- The U.S. citizen do not actually vote for their president, instead they vote for a group of electors who in turn elect the president.

- The voters cast their votes not for an individual elector but for a group of electors and each group is pledged to support the presidential candidate of a certain political party.

- When voters wish to vote for a Democratic presidential candidate, they place their mark beside the Democratic list of electors. The group of electors that gets the most votes represents that state in the electoral college. Which is made up of all the electors for each state. It is this electoral college that formally decides who the president shall be.

- The number of electors varies from state to state depending on its size.

- Each state has the right to choose a number of electors equal to the number of senators and congressmen to which it is entitled in congress.

- Each individual elector has one vote but these votes will go to the candidate of the party to which that state's elector has pledged their support.

Congress

- The two houses of Congress are similar to the two houses of parliament. Each bill must be passed three times before it becomes law.

- There are 435 members in the house of representatives (Congress) and each state is

representation by population.

- Each of the 50 states has 2 senators who are elected for 6 year, 1/3 of the senate being elected in November every two years.

- The Senate has two special power which makes it more important then the house of Representatives.

#1 It as the right to approve or reject by a majority vote important appointments made by the president.

#2 All treaties made by the president with foreign countries must be ratified by the Senate by a 2/3 majority before it goes into effect.

The Unities States Judiciary

- In the federal system all judges are appointed by the president but must have the approval of the senate in the different states each state has it's own court.

- In the state system, they deal with matters that comes under state control while the Federal court deal with matters that come under federal control.

- The most important court is the Supreme court with it's nine judge and this court interprets the U.S. constitution. They can also override the presidents veto.

- The most important issues are related to the American "Bill of Rights" which is made up of 10 amendments

1- The first amendment guaranties individual liberties like freedom of speech, religion, the right to peaceful assembly and the right to petition the government. It also provides freedom of the press.

2- Guarantees the right of people to keep and bear arms which assures the continued existence of local and state malishas.

3- The prohibits the gathering of troops in private homes.

4- This protects citizen from unreasonable searches of the homes or of themselves and seizures of property.

5- this guarantees all citizen the right to follow a specific open process in which the accused is notified of the charge and is given the opportunity to present a defence in court.

6- This guarantees a jury trial in criminal cases and to be represented by a lawyer.

7- Jury trials in civil cases.

8- This forbids judges to set excessive bail or to prescribe cruel or unusual punishments.

9- This assures citizens that the listing of rights in the constitutions protect all individuals.

10- this limits the federal government by not giving any powers not listed in the constitution to the state or the people.

Checks and balances

- The Constitution established a system of checks and balances in which each branch of government could check the power of the others.

- The president and congress for example, check and balance each other all bills passed by congress must be signed by the president and the president can refuse to sign as Franklin Roosevelt refused to sign 635 bills.

* Congress can also override the president veto by passing the bill again by a 2/3 majority in both houses.

- The house of representatives could also remove the president from office if a 3/4 majority find him guilty of a high crime.

* Even the judiciary system is always under check since the president can only appoint judges to the supreme court after approval from the senate.

- Congress also has the power to remove judges from office since the constitution specifies that they hold their office during good behavior.

The system of Election in the U.S.

- In the U.S. the time for elections is forced by the constitution and the system is therefore quite different.

* Every two years elections for the members are held on the same day in every state, the tuesday following the first monday in November of every even numbered year.

* At this time, the voters elect all 435 members to the House of Representatives for a two year term.

- They also elect one third of the Senate for a six year term since the constitution specifies that 1/3 of the Senate is up for election every two year.

- On the same day in November but only in years evenly divided by 4 the voters also elect the president and vice-president.
- At the November elections the voters also choose representatives to their own state legislative such as their governors, judges etc...
- * There are also "Primary Elections" or elections to pick party candidates to be held before general elections.
- Voters are given the chance to choose among several candidates who will be in the party nomination.
- * There are also some states that have a "recall election" which would allow voters to remove elected officials before they have completed their terms.
- When a certain required number of voters sign a petition asking for a recall, a special election would be held to decide if the official stays in office or not.
- * Finally to give voters a greater voice in law making there are also some states that have what is called the initiative which allows citizens to initiate or propose a bill by collecting a required number of signatures.