

Democracy & Parliament



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

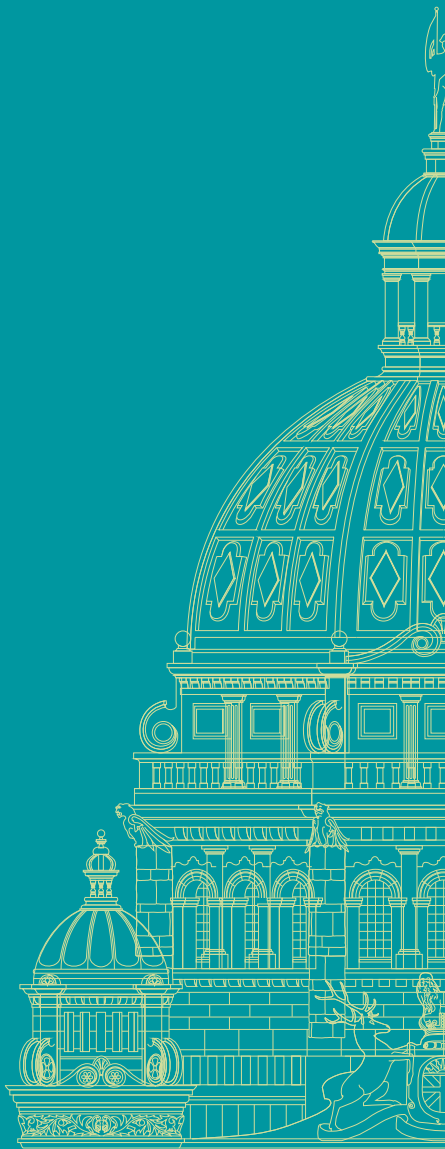


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Introduction

Canada is a federation of ten provinces and three territories. British Columbia is one of the ten provinces and its law-making body is the Legislative Assembly of British Columbia.

The basic principles that govern Canada are set out in the *Constitution Act, 1867* and the *Constitution Act, 1982*. Under these Acts, the federal government and the provincial governments have different areas of responsibility, but both levels are based on the British model of parliamentary democracy and follow a similar procedure to make decisions.

Parliament

The term “parliament” describes the period of time between elections during which Members of Parliament (MPs) in Canada’s federal parliament or Members of the Legislative Assembly (MLAs) in British Columbia conduct their work. It comes from the French word *parler*—to speak. A parliament is made up of one or more sessions. A session can last a few days or several years. A parliament ends when the Prime Minister federally or the Premier provincially asks the Queen’s representative to dissolve parliament and call a general election.

Canada typically holds a federal general election every four years. In B.C., the provincial *Constitution Act* sets a maximum term of four years for the Legislative Assembly. Another requirement of B.C.'s constitution is that the Legislative Assembly must meet at least once a year. The Legislative Assembly of British Columbia typically sits from February through May and may also sit for two months in the fall. When parliament is in session, the parliamentary calendar also indicates daily sitting hours.

Levels of Government

Located in the nation's capital city of Ottawa, the federal government has authority over policy areas that affect all of Canada, such as banking, criminal law, foreign policy, national defence and citizenship.

British Columbia's government, located in the provincial capital city of Victoria, has authority over areas like education, health care, social welfare and highways. It also grants powers to officials in charge of governing a city, town or village—the elected mayor and council of a local government.

In British Columbia, several modern treaties provide First Nations with governance over specific geographic areas in accordance with federal and provincial law.

In 1858, Queen Victoria chose the name British Columbia for a new British colony on the west coast of Canada. "Columbia" refers to the Columbia River, named by an American trader, Robert Gray, who sailed his ship Columbia Rediviva into the mouth of the river in 1792.

There are policy areas shared by federal and provincial levels of government but if there is a conflict, the federal law prevails.

Each of the ten provinces and three territories has a unicameral legislature—just one law-making or legislative chamber. The Parliament of Canada has two: an elected chamber called the House of Commons, and the Senate. The Senators are appointed by the Governor General on the advice of the Prime Minister.

People elected to the Canadian House of Commons are called Members of Parliament or MPs. People elected to the Legislative Assembly of British Columbia are called Members of the Legislative Assembly or MLAs.



British Columbia
became a province of
Canada in 1871

Map of Canada



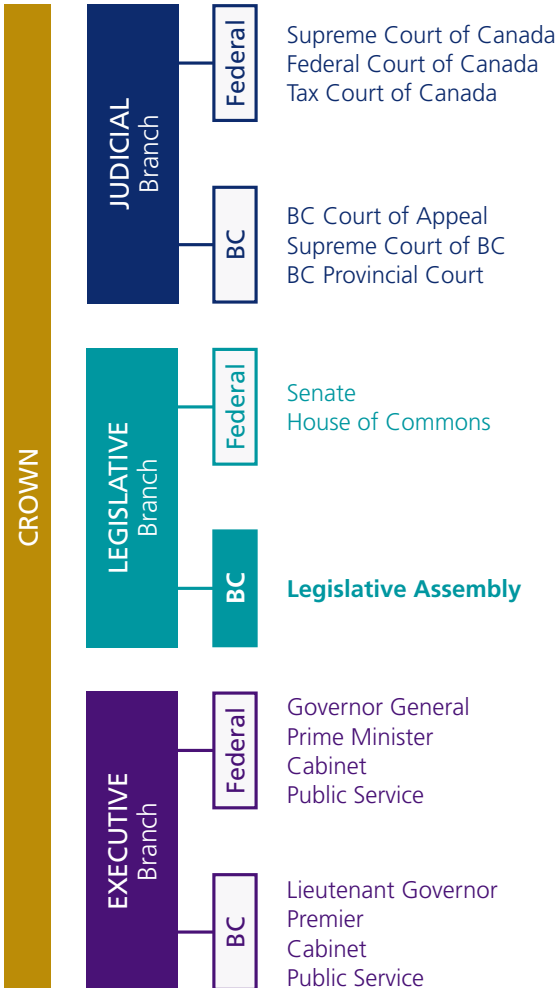
Parliamentary System of Government

There are three divisions or branches in any parliamentary system of government. The executive branch sets policies and administers laws. The legislative branch debates, amends and passes laws with approval by the Crown. It also reviews and approves government expenditures and scrutinizes government activity. The judicial branch interprets and enforces the laws.

Canada has a parliamentary system of government with no separation of powers between the executive and legislative branches. This means that the Executive Council, also known as Cabinet, is typically formed by the men and women elected to serve in the legislature. The idea that the Cabinet is answerable to the elected legislative chamber for its decisions and actions is the defining feature of responsible government.



THE BRANCHES OF GOVERNMENT



In contrast, the courts in Canada operate independently and separately from the executive and legislative branches of government. Under Canada's constitution, both the federal government and the provinces are responsible for the administration of justice. The courts do not owe any responsibility to parliament or to the electorate other than to perform their judicial duties in accordance with the law.

In British Columbia, the courts play two significant roles: to interpret laws and to enforce them. In our parliamentary system of government, the courts help make sure that government action is based on legal and constitutional authority.

Canada is a constitutional monarchy. The Queen fills the role of head of state and the Prime Minister federally or the Premiers provincially fill the role of head of government. In Canada, the Prime Minister and Premiers also serve as elected members of the legislature, unlike the President of the United States of America, who is not a member of the elected U.S. Congress.

*Parliamentary history in
British Columbia dates from
August 12, 1856,
the opening day of the first
House of Assembly of the
Colony of Vancouver Island.*





The Queen and Her Representatives

Canada's head of state is Her Majesty Queen Elizabeth II, the Queen of Canada. In her absence, the Governor General of Canada serves as the head of state. The Queen is represented in each of the ten provinces by a Lieutenant Governor who is appointed by the Governor General, on the advice of the Queen's Privy Council for Canada, for a term of not less than five years.

A Lieutenant Governor ensures that parliament in a province functions with a viable government at all times. Acting on the advice of a Premier, a Lieutenant Governor appoints the Executive Council, approves and signs Executive Council orders, and gives Royal Assent to proclaim a bill into law. A Lieutenant Governor also summons a new parliament, prorogues a session and dissolves parliament, which leads to a call for a provincial general election.

In Canada, the state is personalized in the name of the Crown. For example, land owned by Canada or a province is referred to as "Crown land" with title held in the name of Her Majesty The Queen.

In addition, a Lieutenant Governor represents the Queen at ceremonial functions within a province. They may also serve as the patron or honorary president of a number of service clubs and other associations and societies, often educational or cultural in nature.



The official residence of B.C.'s Lieutenant Governor is Government House in Victoria. This ceremonial home of all British Columbians has been on the same site since 1865 and was rebuilt twice after devastating fires. The grounds of this national historic site are open from sunrise to sunset for visitors to tour the 14.6 hectares of gardens and woodlands.



The Black Rod is a ceremonial staff created in 2012 to commemorate the Diamond Jubilee of Her Majesty Queen Elizabeth II, Queen of Canada. Based on a 600-year-old Westminster parliamentary tradition, the Black Rod is used on formal occasions when the monarch or her provincial representative, the Lieutenant Governor, is present in the Legislative Assembly of British Columbia.

The Prime Minister and Premiers

In Canada, the Prime Minister or Premiers are not elected directly by the people. Rather, it is the leader of the governing party who becomes the head of government: the Prime Minister federally in Ottawa, or a Premier provincially. In B.C., this usually means that the Premier has won an election in one of the 87 constituencies and is a Member of the Legislative Assembly. As an MLA, the Premier appears regularly in the legislature to answer questions or take part in the debate.

A Canadian head of government rules with the consent of their parliament. In our system of parliamentary democracy, governments must be supported by a majority of Members in the Legislative Assembly. Majority government results from an election where one political party wins the majority of seats in the Assembly. A minority government occurs when a governing party does not win the majority of seats in an election, but is able to maintain the support of a majority of the Assembly's Members. If they can no longer command support from a majority of the elected representatives, then their government must fall.

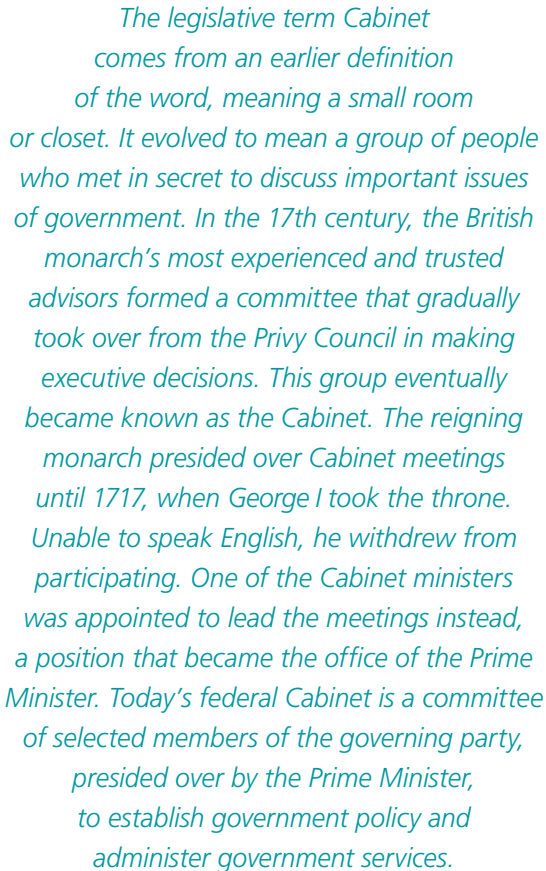


Executive Council

The Executive Council is a group of elected representatives appointed by the Governor General or Lieutenant Governor, on the advice of the Prime Minister or a Premier to establish government policy and be in charge of the administration of government services. In provincial and territorial governments, the Executive Council is often referred to as the Cabinet.

The Premier is the President of the Executive Council and chooses Cabinet ministers, also called ministers of the Crown, usually from MLAs of the governing party.

Each minister is responsible for setting the policy direction of their ministry or government department. Ministers may introduce new legislation or propose changes to existing laws in the legislature with respect to their ministry. The day-to-day work of a ministry is carried out by permanent employees of the public service.



The legislative term Cabinet comes from an earlier definition of the word, meaning a small room or closet. It evolved to mean a group of people who met in secret to discuss important issues of government. In the 17th century, the British monarch's most experienced and trusted advisors formed a committee that gradually took over from the Privy Council in making executive decisions. This group eventually became known as the Cabinet. The reigning monarch presided over Cabinet meetings until 1717, when George I took the throne. Unable to speak English, he withdrew from participating. One of the Cabinet ministers was appointed to lead the meetings instead, a position that became the office of the Prime Minister. Today's federal Cabinet is a committee of selected members of the governing party, presided over by the Prime Minister, to establish government policy and administer government services.

The Legislative Assembly of British Columbia

In Canada, the first-past-the-post system is used to elect people to serve in a legislative chamber. For a provincial general election, British Columbia is divided into 87 constituencies or ridings. The voters in each riding elect one MLA to speak on their behalf. Whoever gets the most votes in that riding wins, even if they may not have a majority of the votes cast. Most candidates who run for elected office belong to a political party, but independent candidates may also run for office.

Following their election, MLAs may decide to change parties and affiliate themselves with a different party in the House. This is known as “crossing the floor.” MLAs may also decide to drop their affiliation with any party and sit as independent members.

Together with the Lieutenant Governor, the 87 elected MLAs form the Legislature of British Columbia. The Legislative Assembly (also known as the House) meets in the Parliament Buildings in the capital city of Victoria to debate and pass the laws that govern British Columbians.

MLAs serve in the Legislative Assembly as members of the government or as members of the opposition. Government MLAs are those members who belong to the governing party in a majority or minority government.

The opposition party that holds the largest number of seats in an election becomes the Official Opposition, also known as Her Majesty's Loyal Opposition. MLAs from other political parties and independent MLAs are also part of the opposition. The role of the opposition MLAs is question government actions and present alternatives to existing policies. Any MLA who is not in Cabinet can choose to vote against their own party's policy, but typically, members vote with their colleagues.

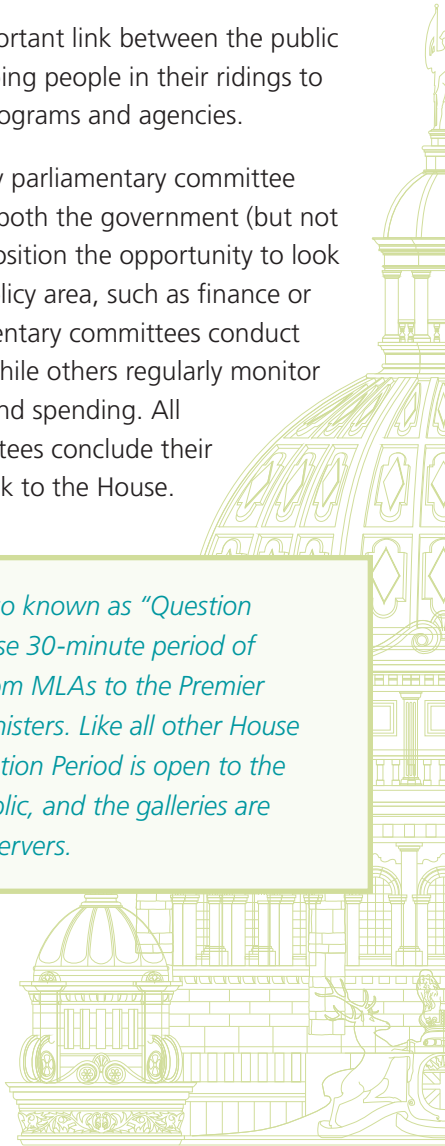
When parliament is in session, MLAs are responsible for studying, debating and voting on all proposed laws (called bills) that are introduced in the House. In addition, they scrutinize and approve the government's budget spending proposals (known as estimates) and they ask questions about government plans and activities.

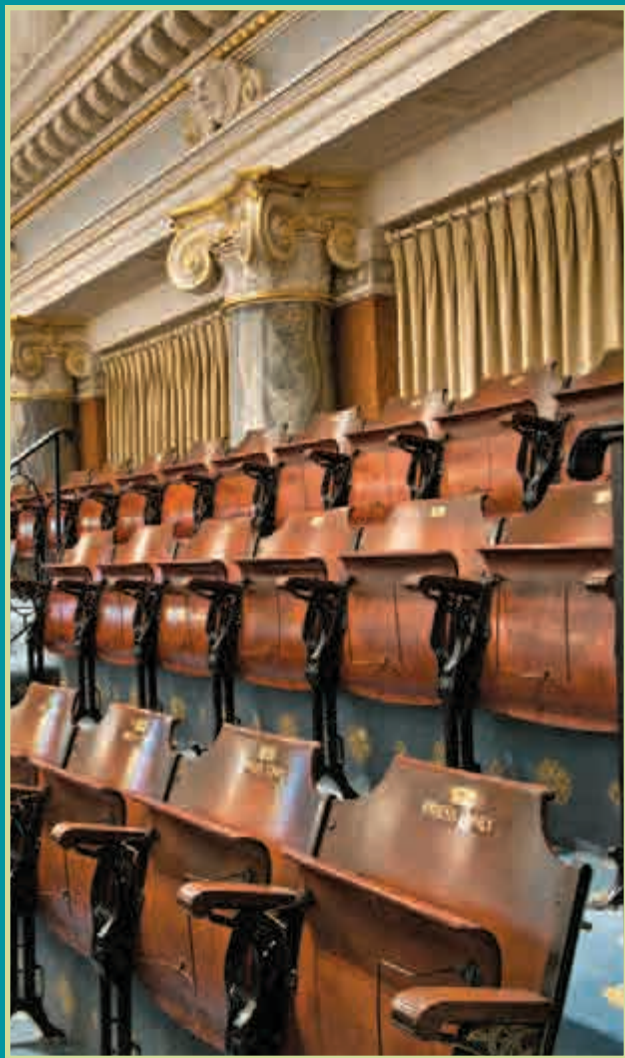
Another important way that MLAs serve their constituents is by representing their views in the House and raising local issues that concern them.

MLAs serve as an important link between the public and government, helping people in their ridings to access government programs and agencies.

Serving on an all-party parliamentary committee offers members from both the government (but not Cabinet) and the opposition the opportunity to look closely at a specific policy area, such as finance or health. Some parliamentary committees conduct public consultation, while others regularly monitor government actions and spending. All parliamentary committees conclude their work by reporting back to the House.

Oral Questions, also known as “Question Period” is an intense 30-minute period of rapid questions from MLAs to the Premier and/or Cabinet ministers. Like all other House proceedings, Question Period is open to the media and the public, and the galleries are often full with observers.



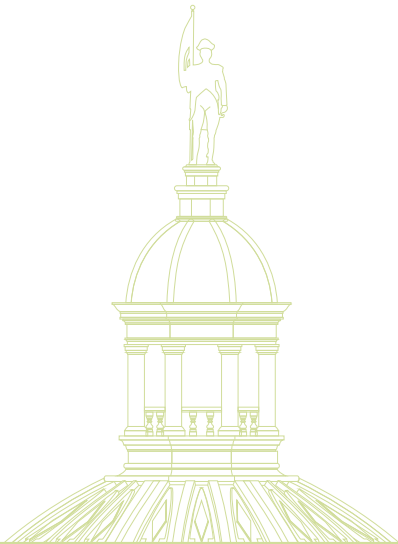


The Speaker

The Speaker is a key figure in Canadian parliaments. In B.C., the Speaker is elected by all MLAs in a secret ballot at the opening of a new parliament, or whenever the position becomes vacant due to resignation, retirement or death. In the Legislative Assembly of British Columbia, the position of Speaker is open to all MLAs except the Premier and Cabinet ministers.

The role of the Speaker is to preside over and act as a “referee” during debates and make sure the House follows established rules of behaviour and procedure. The Speaker is responsible for making sure that all MLAs are treated fairly and impartially, no matter which party they belong to. The Speaker does not take part in debates, remaining neutral, and votes only to break a tie. The Speaker is supported by the Clerk of the House who is the senior permanent officer of the Legislative Assembly in B.C. The Clerk of the House provides advice on parliamentary procedure to the Speaker and remains non-partisan at all times.



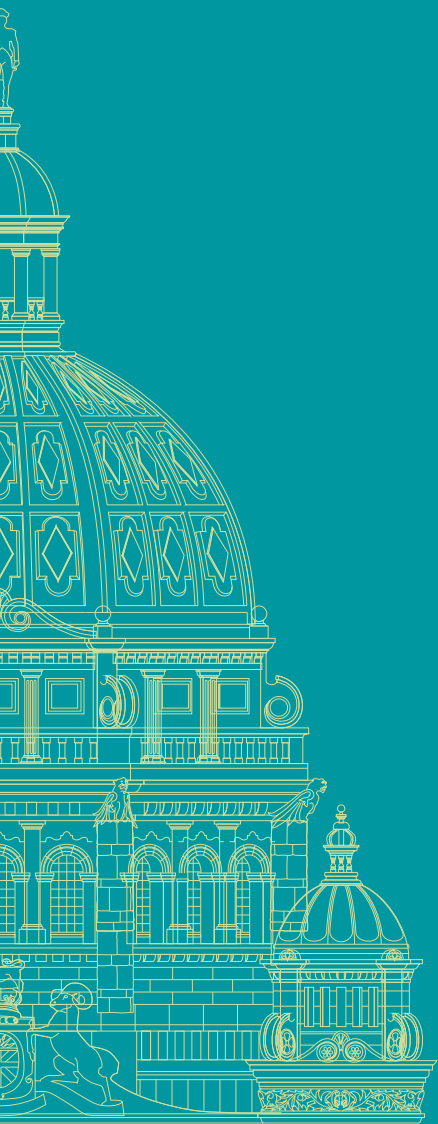


The Speaker has been part of the British parliamentary system since 1377. In the beginning, the Speaker was responsible for carrying messages from Parliament—often complaints and grievances—to the King or Queen. Sometimes the monarch was not pleased with the messages and as many as nine Speakers met a violent death. This explains why Speakers elected today pretend to be reluctant to take the Speaker's Chair and must be dragged by their colleagues to the front of the Legislative Chamber.



NOTES

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