Class 04-06/10

*He is saying that responsible government affects the crown the most but his iclicker question said that responsible government affects the cabinet the most?*

**Post 1982**

**Meech lake (Quebec round)** failed because of opposition from people like Trudeau so some liberal govs at provincial level decided to rescind but also the premiership in provinces switched hands and there was a 3 year sunset clause to pass the accord

**Charlottetown(Canada round).** Aboriginal, represented western states as well, it failed, some provinces supported but unanimity was not reached… some people think the amending formula doesn’t allow for compromise

**“non-constitutional”, change.**

**Responsible government origins**(just note nova scotia legislature was the first place in Canada to practice responsible government)

**Fathers of responsible government**

1. Joseph Howe(Leader in nova scotia, the first responsible government in Canada
2. William lion Mackenzie
3. Lord Durham(British noble who diagnosed the problem of the canada’s and recommended responsible government as a response)

**Responsible government**

Structuring roles and Offices (responsible government is the shorthand for this) responsible gov as a concept

Responsible government predates confederation. (we had institutions similar in principle to the UK already (which was responsible government) so this practice in Canada predates the agreement) Federalism is the new thing from 1867 on.

**Prior to responsible government**

Complete fusion of executive and legislative powers (l’etat, c’est moi”) the state is me loiuse xVI

* Monarch made implemented and interested laws
* Concession of legislative power to an elected parliament (
* Phrased as advice to the monarch

**Emergence of Responsible government**

* Colonial context of its development – crown’s representatives as absolute authority
* Accept advice, but from local oligarchs (chateau clique and family compact) local elites that provide advice (in part for their own benefit but also in advisors for the local population)

**Results: Rebellion**

Upper and Lower Canada rebellion in Upper Canada led by William Lyon Mackenzie (why were the British colonials in Canada not getting the same representation as in the US)

**Rebellions**

* Seeking majority rule (ie French) rule in lower Canada
* Lord Durham dispatched to diagnose Canadian problems
* Recommends responsible government( Durham report, he recommends uniting the two Canadas into a single gov, with the intent of assimilating French into English Canadian majority… this never worked, and ultimately led to recognition of French Canada. Advisors to the crow should come from the elected branch.
* Governor chooses advisors from the elected branch
* Only really achieved in the late 1840s

**Responsible Government working definition**

* Most basic definition-=the executive is accountable for its actions to a democratically elected legislature *He cherry picks the most modern words for popular government when he was explaining this definition*
* Draws legitimacy from the legislature, but also directs the legislature (*government(executive has the steering wheel of the legislature itself, almost all leg that is considered inn Canada comes from the government (the ruling party, and the*
* Prof says responsible government values efficiency over diversity, limits on accumulation of power and ability to renew and rejuvenate personnel and rules (though all of these are super important)

**Separation of Power (**it was made to prevent the exec and gov from dominating the government)

* The opposite of responsible government
* Lessening the chances of tyranny by distributing power
* “ambition must be made to counteract ambition”
* In a Separated system there is a intentional inefficiency to prevent the king or group like that dominating everything quickly
* A fused system(responsible gov) is more efficient and energetic one party(ruling party can move and pass everything they want)
* Ease of implementing a “mandate”

**Parliament**

In Canada is referring to the mixture of the crown, senate, and he largest assembly, the commons. The PM ad the cabinet are missing from the constitution in 1867, there was something included known as the queen’s privy council.

**Conventions of responsible government**

* Only accurate guide to practice is the set of convention, only 5 really count.

1. Ministers are MPs(dual membership category)

* (Cabinet needs to be before the house to gain its confidence) cabinet needs support from the house to be the cabinet(easiest way to maintain confidence of the house is to maintain more than half of the seats in parliament.)
* Accountable directly to the house
* Some exceptions – Senators, those seeking seats(senators are eligible by convention to sit in Cabinet)

1. Confidence:

* Crown appoints gov from those with the confidence of the house
* Secret of confidence is parties(meaning all you need is your party to have the most seats to have the confidence of the house)(the party with the plurality of seats might not have the leader with the confidence of the house.)
* Party with a majority will very likely hold the confidence of the chamber

1. Crown only acts on advice

* Advice can really only be understood as a command