

The constitutional balance underlying a Responsible Government

In Canada, all the powers of the State are legally vested in the Governor General, but it belongs to the people to govern themselves as they will.

It is the role of the Governor General to ensure that the rule of government shall be the well-understood wishes and interests of the people.

She knows these wishes and interests through the advice of parliament. Parliament confides the authority in councillors to advocate the exercise of the powers of the State in accordance with these wishes and interests.

Through an institution known as the Governor-in-Council, by and with the advice of her councillors, the Governor General sanctions, as authorized by the people:

- the initiation, conception and extent of federal powers granted by all bills submitted to Parliament and their detailed regulation;
- the appointment of the governor's councillors, of Senators, judges, ambassadors and the highest political officers of the State, more than 3 thousand in all;
- the summons, prorogation and dissolution of Parliament;
- the deployment of our military forces, our international treaties and the policies underlying our international relations.

But if her council is composed of only one adviser, then the Governor General is a rubber stamp. This adviser exercises the powers of the State through the Governor in Council with no oversight, unlimited by anyone, unconstrained by constitutional principles and the provisions of the Constitution Act.

A government cannot be held responsible for its conduct if its administrators can abuse the powers of the State.

The model of Responsible Government is structured to prevent abuse. The Governor-in-Council is composed of the Governor General and two chief advisers.

Human nature acts upon these three political actors to check any abuse of their legitimate jurisdictions. This constitutional structure permits the Governor General to ensure that the government remains constitutional, respectful of the law and in the service of the people.