

Democracy & Parliament



LEGISLATIVE ASSEMBLY
of BRITISH COLUMBIA

Territorial Acknowledgement

The Parliament Buildings and surrounding areas are located on the traditional territories of the Lekwungen-speaking (pronounced Le-KWUNG-en) peoples. Now known as the Songhees and Esquimalt Nations, these Coast Salish peoples have a rich culture and history dating back thousands of years.

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Introduction

Canada is a federation of 10 provinces and three territories. British Columbia is one of the 10 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 and provincial governments have different areas of responsibility, but both levels are based on the Westminster model of parliamentary democracy and follow a similar procedure to make decisions.

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 trader, Robert Gray, who sailed his ship Columbia Rediviva into the mouth of the river in 1792.



British Columbia became a province of Canada in 1871

Parliament

The term “Parliament” has two meanings. When capitalized, it is a term commonly used to refer to the Legislative Assembly. Or when referenced as “parliament,” it describes the period of time between general elections when Members conduct their work. Originally, 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 Premier asks the King’s representative for the Legislative Assembly to be dissolved which results in a general election. Canada typically holds a federal general election every four years. This is similar in British Columbia, but an election could be called sooner.



In B.C., the provincial *Constitution Act* states that the Legislative Assembly must meet at least once a year. The Legislative Assembly of British Columbia typically sits from February through May and in October and November.

Each of the 10 provinces and three territories has a unicameral legislature – just one law-making (legislative) chamber. The Parliament of Canada has two: an elected chamber, called the House of Commons, and the appointed Senate.

In our system of parliamentary democracy, governments must be supported by a majority of Members in the Legislative Assembly. A majority government results from an election where one political party wins the majority of seats in an election. A minority government occurs when a governing party does not win a majority of seats in an election but is able to maintain the support of a majority of the Assembly's Members. If the governing party can no longer command support from a majority of elected representatives, then their government will fall, meaning that a new general election is called, or, in rarer circumstances, the Lieutenant Governor can call on the Leader of the Official Opposition to form a government.

People elected to the 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.

Levels of Government

Located in Ottawa, Canada's capital city, the federal government has authority over policy areas that affect all Canadians, such as banking, criminal law, foreign policy, national defence, and citizenship. There are also policy areas shared by federal and provincial levels of government.

The Prime Minister fills the role of head of the federal government. The Prime Minister also typically serves as an elected Member in the House of Commons. The Prime Minister is not elected directly by Canadians, but rather is the leader of the governing party that won the most seats in a general election and becomes the head of government.

Located in Victoria, B.C.'s capital city, the provincial government has authority over policy 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. The Legislative Assembly also considers legislation to enact or amend treaties or agreements with First Nations, as well as other legislation and provincial spending that impacts Indigenous Peoples.

The Premier fills the role of head of the provincial government. The Premier is not elected directly by

British Columbians, but rather is the leader of the governing party that won the most seats in a general election. In B.C., this usually means that the Premier has won an election in one of the 93 constituencies and is a Member of the Legislative Assembly. As an MLA, the Premier appears regularly in the Legislative Assembly to answer questions and take part in debates.

In British Columbia, several modern treaties recognize First Nations governance over specific geographic areas in accordance with federal and provincial law. First Nations were self-governing communities prior to the enactment of the federal *Indian Act* in 1876. Discriminatory laws prohibited First Nations from voting or standing as candidates in provincial elections, thereby excluding them from the Legislative Assembly, including from decisions that impacted their lives and communities. Starting in 1949, Indigenous Peoples could vote in provincial elections. Changes brought in by the federal *Constitution Act, 1982* established that Indigenous Peoples have a right to self-government. Federal, provincial, and Indigenous representatives negotiate modern treaties where governance of such



areas as education, language, culture, police services, health care, social services, housing, property rights, and child welfare are covered.

In recognition of its local and provincial impacts, the Legislative Assembly of B.C. is taking action to strengthen relationships with Indigenous Peoples in British Columbia, who encompass more than 200 First Nations with unique cultures, languages, and systems of governance. The Legislative Assembly relies on regular guidance and information from Indigenous leadership organizations, including those representing Métis, Inuit, and First Nations, to establish stronger ties with Indigenous governments, some with their own legislative bodies.

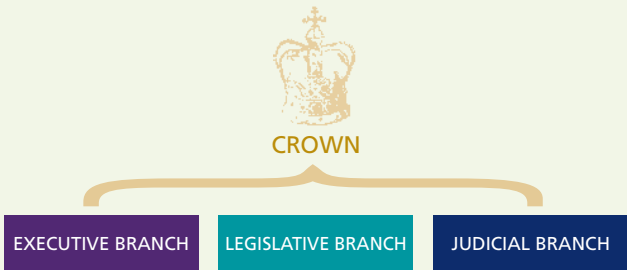
The Black Rod is a ceremonial staff created in 2012 to commemorate the Diamond Jubilee of Queen Elizabeth II. Based on a 600-year-old Westminster parliamentary tradition, the Black Rod is used on formal occasions when the monarch or their provincial representative, the Lieutenant Governor, is present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



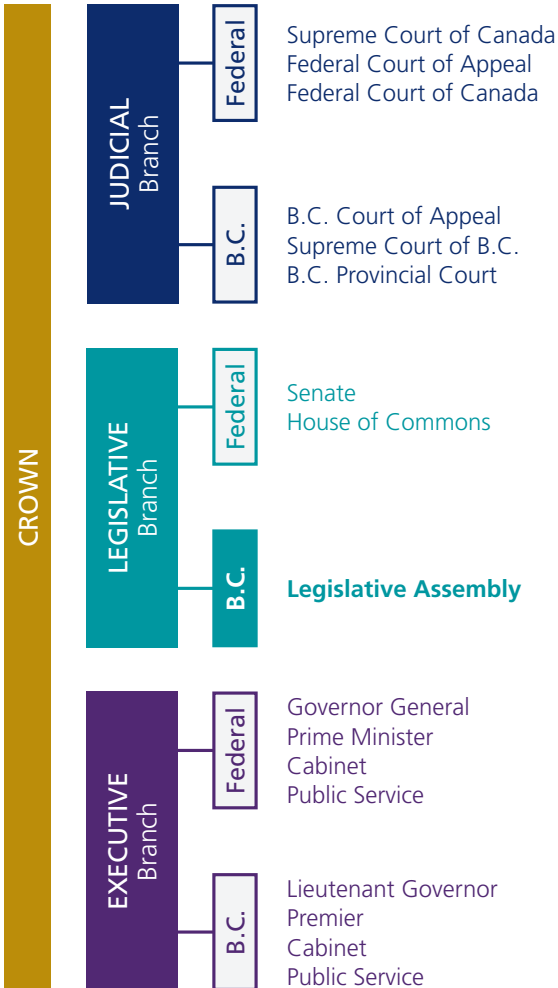
Parliamentary System of Government

There are three divisions or branches in our parliamentary system of government. The executive branch sets policies, administers laws, and manages programs and services for its citizens. The legislative branch debates, amends, and creates laws with approval from the Crown. It also reviews and approves government expenditures and scrutinizes government activity. The judicial branch interprets laws and enforces the principle of the rule of law.

Canada has a parliamentary system of government where the powers of the executive and legislative branches of government are heavily intertwined. This means that the Executive Council, also known as Cabinet, is typically made up of individuals elected to serve in the Legislative Assembly. The fact that the Cabinet is answerable to the elected Legislative Assembly for its decisions and actions is the defining feature of responsible government.



THE BRANCHES OF GOVERNMENT



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.



In British Columbia, the courts play two significant roles: to interpret and uphold laws and to enforce the principle of the rule of law. In our parliamentary system of government, the courts help make sure that government action is based on legal and constitutional authority, a fundamental principle under the *Canadian Charter of Rights and Freedoms*.



The King and His Representatives

As Canada is a constitutional monarchy, the head of state is His Majesty The King of Canada. The Governor General of Canada represents him at the federal level. The King is represented in each of the 10 provinces by a Lieutenant Governor who is appointed by the Governor General, on the advice of the Prime Minister, for a term of not less than five years.

A Lieutenant Governor ensures a province functions with a viable government at all times. Acting on the advice of the Premier, the Lieutenant Governor appoints

In Canada, the state is personified 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 His Majesty The King.



the Executive Council, approves and signs Executive Council orders, and gives Royal Assent to bills passed by the Legislative Assembly. A Lieutenant Governor also summons a new Parliament to meet, prorogues a session, and dissolves Parliament, which leads to a provincial general election.

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



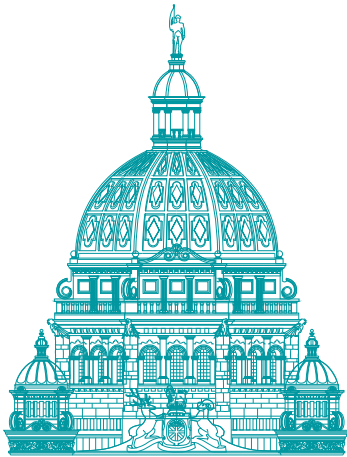
The official residence of B.C.'s Lieutenant Governor is Government House in Victoria. This ceremonial home of all British Columbians has been on the same site since 1865 and was rebuilt twice after devastating fires. The grounds of this national historic site are open from sunrise to sunset for visitors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

The Executive Council

The Executive Council is a group of Members of the Legislative Assembly appointed by the Lieutenant Governor, on the advice of the Premier, to establish government policy and be in charge of the administration of government programs and services. 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 Legislative Assembly with respect to their ministry. Ministers also request funds from the Legislative Assembly to manage their ministry each year. The day-to-day work of a ministry is carried out by permanent employees of the public service.



The 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 English 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 became King. 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 Prime Minister. Today’s provincial Cabinet is a group of Members of the governing party, presided over by the Premier, to establish government policy and administer government programs and services.

The Legislative Assembly of British Columbia

In B.C., the first-past-the-post system is used to elect people to serve in the Legislative Assembly.

For a provincial general election, British Columbia is divided into 93 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.

Together with the Lieutenant Governor, the 93 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.

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

While steeped in historical customs and traditions, B.C.'s parliamentary culture continues to evolve, formalizing recent practices such as participation by Indigenous Elders and leaders, as it moves toward inclusion of Indigenous Peoples when considering laws relating to treaties and agreements with First Nations, or other legislation that impacts Indigenous Peoples.

The opposition party that wins the second largest number of seats in an election becomes the Official Opposition, also known as His Majesty's Loyal Opposition. MLAs from other political parties and independent MLAs are also part of the opposition. The role of opposition MLAs is to examine government actions and present alternatives to existing policies.

When the Legislative Assembly is sitting, MLAs are responsible for studying, debating, and voting on all proposed laws (called bills) that are introduced in the House. Any MLA who is not in Cabinet can choose to vote against their own party's stance on issues of public policy, but typically, Members vote with their caucus colleagues. 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 of concern.

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

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 consultations, 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 Cabinet Ministers. Like all other House proceedings, Question Period is open to the media and the public, and the galleries are often full of observers.

The Speaker

The Speaker is a key figure in the Legislative Assembly of 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 or death. All MLAs are eligible for the position of Speaker 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 decorum and procedure as outlined in the Standing Orders. 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 also fulfills an administrative role, overseeing the operations of the Legislative Assembly Administration, which is tasked with supporting the Legislative Assembly and its Members by providing services and infrastructure vital to an accessible democratic institution. The Speaker also chairs the all-party Legislative Assembly Management Committee, the parliamentary oversight board.

The Speaker has been part of the Westminster 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 seven 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 to take their seat.





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