# Responsible Government

**Responsible government** means a government that is accountable to the people.

A key characteristic of Canada's Constitution is the separation of powers into three different branches: the executive, legislative, and judicial branches.[1] However, this separation is not watertight, and one important practice that Canada inherited from the United Kingdom is the overlap of executive and legislative power.[2] This is known as responsible government, where the executive is drawn from and requires the support of the people's representatives in the House of Commons — the elected chamber of Canada's federal legislature.

The prime minister is "the leader of the party that commands a majority in the House of Commons."[3] In order to retain office and govern, the prime minister and his/her cabinet must maintain the support, or the confidence, of least half of the elected members of the Commons (themselves included) plus one more.[4] Thus, the executive is accountable to the legislative branch and, by derivation, to the Canadian people.[5] Similarly, "[i]n each province, the equivalent of the [p]rime [m]inister is the [p]remier, who is the leader of the party that commands a majority of the elected Legislative Assembly."[6]

A selection of unwritten rules — known as "constitutional conventions" — dictate the operation of responsible government. As Hogg notes:

> *Responsible government is probably the most important non-federal characteristic of the Canadian Constitution. Yet the rules which govern it are almost entirely "conventional", that is to say, they are not to be found in the ordinary legal sources of statute or decided cases.[7]*

In particular, four constitutional conventions are especially important to the operation of responsible government in Canada:[8]

- The governor general acts on the advice of a cabinet that maintains the confidence of the elected legislature.[9] The governor general is Canada's "formal head of state,"[10] and the representative of the monarchy.[11] While symbolically vested with many formal powers, the governor general generally acts only on the advice of the elected head of government (or "political head of state"[12]),the prime minister.[13]
- The prime minister will only appoint cabinet members who are elected to the House of Commons or appointed to the Senate.[14] This convention attempts to maximize accountability, so that executive members are more easily accessible in the legislature, and can more easily be questioned and critiqued by other legislators.[15] It is possible for a "non-member of

parliament" to be appointed to cabinet, but by convention they are expected to quickly seek election to the House of Commons or be appointed to the Senate as a condition of maintaining their cabinet role.[16]

- The cabinet must function as a single unit for all decisions and policies (this is known as "cabinet solidarity" or "collective responsibility").[17] If a member of cabinet wishes to publicly contest government policy, this convention obliges them to resign from their position.
- The fourth convention is that if the House of Commons lacks confidence in the executive, either the executive or the entire legislature must be replaced.[18] In such instances, the prime minister must either ask the governor general to dissolve parliament for an election or must resign, so that the governor general can appoint a new prime minister — drawn from the existing legislature — that can command the confidence of the Commons.[19] The Commons may lose confidence in the executive at any time,[20] which can lead to sudden changes in leadership.

[1] Patrick Malcolmson & Richard Myers, *The Canadian Regime: An Introduction to Parliamentary Government in Canada*, 5th ed (North York: University of Toronto Press, 2012) at 38 [Malcomson].

[2] Peter W Hogg, *Constitutional Law of Canada*, 5th ed (Toronto: Thomson Reuters, 2007) (loose-leaf updated 2021, release 1), ch 9.1-9.2 [Hogg].

[3] Hogg, *supra* note 2, ch 9.1.

[4] Malcomson, *supra* note 1 at 40.

[5] *Ibid.*

[6] Hogg, *supra* note 2, ch 9.1.

[7] *Ibid*, ch 9.3.

[8] Malcomson, *supra* note 1.

[9] Hogg, *supra* note 2, ch 9.3.

[10] *Ibid*, ch 9.1.

[11] Malcomson, *supra* note 1 at 99.

[12] Hogg, *supra* note 2, ch 9.1.

[13] Malcomson, *supra* note 1 at 100-103.

[14] Hogg, *supra* note 2, ch 9.4.

[15] Malcomson*, supra* note 1 at 40.

[16] Hogg, *supra* note 2, ch 9.7.

[17] *Ibid*, ch 9.7.

[18] Malcomson*, supra* note 1 at 41.

[19] Hogg, *supra* note 2, ch 9.1.

[20] *Ibid*, ch 9.1.