



PNWER Legislative Academy, 2015, at Yellowknife, Northwest Territories

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**Differences &
Likenesses in the
Canadian & American
systems of government,
federal & provincial,
and territorial**

Canada is largely governed by responsible party governments, that is by cabinets of ministers who are accountable to, and must have the voting support of the majority in the legislature.

America is governed by systems of separation of powers, of elected, fixed termed offices, and of checks and balances between branches of government institutions.

Both countries prize legislative, representative authorities, rights and freedoms, political party competition, and political science professors.

Basic Structural Differences: Fusion of Powers v Separation of Powers

- **Canada:**
 - The largest party in the provincial assembly forms the government
 - Governments are comprised of premiers and other ministers of the Crown, who are elected members of the assembly
 - Other members of the governing party caucus support the executive
 - Thus a fusion (unity) of legislative and executive; not a separation of powers
- **USA:**
 - Governors (and Presidents) are elected independently of the legislature
 - Governors lead by bargaining and forming coalitions with their own and other parties/members in the assembly
 - Strong committee systems, independent elections, and constitutional reinforced separation of branches mean legislators are more entrepreneurial and less encumbered by party discipline



Coat of Arms, in the British Columbia parliament buildings mtphoto

Eight Essentials

In the provincial assemblies:

1. The executive alone proposes money bills
2. The executive largely controls the assembly's business
3. The executive must be elected members of the assembly
4. The executive holds Crown authority, but answers to the assembly ("Responsible Government")

In the state legislatures:

5. All members may/do propose money bills
6. Business is set by leadership, party, caucus, committees, interest groups
7. The executive's officers may not be legislators, & legislators may not be in executive office
8. Assembly powers are distributed into multiple committees



In the Saskatchewan parliament building, 2009 mtphoto

Consequences

In provincial parliaments:

1. Budgets are prepared by the executive, and passed by the assembly
2. Ministers answer MLA questions, daily during sittings (Question Period)
3. Sessions are briefer
4. If the house defeats a Government bill, a dissolution and an election might ensue

In state legislatures:

5. Budgets are amended/re-written by legislative majorities [As in both countries, most spending is essentially off the table, not truly discretionary.]
6. Executive officers may be invited to committees; no concept of Question Period
7. Sessions are much longer, more frequent
8. Many, many more bills are passed into law



British Columbia assembly mtphoto



Assemblies & the Bureaucracies

State Assemblies

1. May/do exercise management, policy direction over departments, agencies
2. Often must give consent to gubernatorial appointments
3. May investigate any state agency
4. May write laws, other directions to impact particular agencies
5. Assembly committees may have marked autonomy from the assembly and directly influence state agencies

Provincial Assemblies

1. May question, object to executive direction of agencies
2. Have little to no say over appointments by the executive
3. Nearly all bills of law accepted are Government bills
4. Assembly committee systems are mostly weak; generally lack power to veto/alter legislation
5. Agencies, departments receive direction only from ministers of the Crown



Assemblies & the Parties

Provincial assemblies

1. Parties either support the Government or oppose it
2. Party discipline is high (mostly)
3. Party leaderships rely on caucus support
4. MLAs are expected to support party leaders publicly (*but see Australia*)
5. Party associations in ridings decide candidates
6. Party leaders must sign nomination papers; adds to their control over party

State Assemblies

1. Parties in the assembly separated from the executive
2. Party discipline is much less; members are individual entrepreneurs
3. Leaderships rely on caucus support, but bargain for it
4. Legislators may/do publicly reject leaders' views, decisions, compete against them
5. Primary elections decide party candidates

Elections



- In USA:
 - Terms of office and election dates determined by state law
 - The senior house, the senate has longer terms and fewer members
 - The junior house, representatives have shorter terms, often 2 years
 - Governors have 4 year terms
- In the provinces/territories
 - 9 provinces and 1 territory now have laws setting assembly elections as four years apart (Constitution Act, 1982 sets upper limit of five years)
 - Elections are set by the premier's advice to the lieutenant governor
 - And premiers may still ask for earlier elections

Direct Democracy

- In the PNW states are various systems of direct democracy, wherein interest groups may and do go outside the representative system to seek a general voter approval of proposed laws
- There are now businesses specializing in, producing measures
- In many states, the legislature/governor have limited or no power to modify laws enacted by citizens; main recourse is another initiative
- BC and other provinces have weaker, more limited laws for DD
- BC voters rejected the Harmonized Sales Tax, for example



Washington capitol mtphoto

Sources of Canada's Decentralization

- Senate weakness
- Constitution on natural resources, on social policy
- Language/ Quebec
- Centre v regions/ Ontario
- 'Strong' provincial governments, cabinet/premier dominance
- Two-level party system/some parties have an only provincial existence



Sources of America's Centralization

- Unitary, national executive (the presidency – not the ministry)
- Elected Senate, two per state, regardless of population
 - State governments are NOT represented, voters are
- Interest groups, national as well as state, gather around U.S. senators
- Senators build careers in part by working on national issues
- House & Senate members influence on federal budgets



In the U.S. Constitution:

The supremacy clause
Inter-state commerce clause
Income taxation;
Regulating, mandating state activities for
national goals

Don Alper and Michael Treleaven thank you for your interest and questions, wisdom and knowledge, and your service in the representative democracies of the PNWER region.

We also offer our thanks to Matt Morrison and the entire PNWER staff for again inviting us to take part in another Legislative Academy. And certainly we two thank our hosts, the Legislative Assembly of the Northwest Territories.

We hope our remarks have been of help, but we know we learn more from all of you.

15 November 2015, Yellowknife



Chamber of the Legislative Assembly of the Northwest Territories