

SASKATCHEWAN'S GOVERNANCE: AN OVERVIEW

In Saskatchewan we elect people to be members of the legislative assembly (MLAs). This group makes up one branch of our government: the legislative branch. The legislative—together with the executive and the judicial—form our three branches of government. All of it is overseen by the British monarchy.

To understand this structure of governance requires a quick look to Canada's past. Following Columbus' "discovery" of the western world, European countries began to lay claim to various First Nations lands. Britain, France, Spain, Denmark, and Russia all made claims to parts of modern-day Canada. Slowly, Britain took control of the vast majority of the territory, through war, negotiation, and treaties. As the British gained dominance, they put in place governing institutions that recognised the British monarch (or Crown) as the head of state.

At first, Britain sent governors to rule their Canadian colonies. These governors were the highest authorities in the colonies: the representatives of the Crown. They set policy direction for the colony, generally following the instructions of the British government.

To help rule the colony, each governor would appoint an executive council. Executive councils performed much of the day-to-day work of governing and creating laws. However, their power was limited. The governor could instruct the executive council on what to do and had final say over their decisions.

As the colonies grew, government grew more complex. A significant step towards democracy in the colonies was the establishment of elected legislative assemblies. The first colonial legislature appeared in Nova Scotia in 1758. Property-owning men could now vote for representatives in government. The legislatures debated and voted on laws and policies. However, the power of the legislatures was limited: the executive and governor were free to ignore their wishes.

Political reformers wanted change. They thought that colonial governors had too much power. They believed that wealthy locals were too cozy with the governors. And most importantly, they believed that laws must be approved not just by the governor, but also by the legislature.

These beliefs gave rise in the 1830s to the responsible government movement. Responsible government is a system where the executive branch of government is responsible to the legislative branch. In other words, laws must be approved by legislative assemblies.

The responsible government movement was well-timed. In the mid-1800s, Britain was looking for ways to reduce their overseas commitments. The British saw responsible government as a way to slowly spin off their colonies, while keeping them loyal to the Crown. So with the support of Queen Victoria, in the 1840s the North American colonies were granted responsible government. Any law proposed by the executive council would now be approved or rejected by the legislature. To be sure, the British governor still retained the right of final approval, but only after the legislature had their say.

Responsible government remains in Canada and its provinces today. Generally, the executive proposes laws, the legislature approves or rejects the executive's proposals, and a governor representing the British monarchy—or Crown—signs laws into power.

In Saskatchewan, the Crown's tasks are the responsibility of the Lieutenant Governor. Like earlier times, our Lieutenant Governor is an appointed position. And like earlier times, the Lieutenant Governor is our head of state. However, the British no longer choose our Lieutenant Governor. Instead, the Prime Minister consults with the province, and together they recommended someone for the position. Canada's Governor General then appoints that person to a five-year term.



EXECUTIVE BRANCH

Saskatchewan's executive branch of government consists of the premier and cabinet ministers. The executive is generally chosen from elected members of the legislative assembly (MLAs). This branch of government proposes most of the laws considered by the legislature. It also oversees the civil service and the enforcement of provincial laws.

The Premier

The premier is the head of Saskatchewan's government. Usually, the premier is the leader of the political party with the most elected MLAs. The premier's duties include:

- selecting a cabinet,
- addressing the public on issues of provincial concern,
- representing the province and speaking on behalf of the province's citizens on a national level, and
- working with stakeholders in the province (elected officials, community organisations, labour organisations, business owners, etc.) to advance the province's social and economic prosperity.

Cabinet Ministers

Each cabinet minister leads a department of government. They are chosen by the premier, based on their individual skills. However, when forming a cabinet as a whole—which generally consists of about twenty people—consideration is given to such things as gender, ethnicity, occupation, and geographic representation. This is done so that the cabinet better-reflects the diversity of Saskatchewan.

There is no law stating a person must be elected to the legislature to serve in cabinet. Eleven people have served in Saskatchewan's cabinets without being elected to the legislature. Perhaps the most interesting example is the story of Herb Pinder.

In the May 1964 general election, Herb Pinder narrowly won the constituency of Hanley as the Liberal candidate, over the incumbent CCF candidate Robert Walker. Premier Thatcher immediately appointed Pinder as Minister of Industry and Information.

A recount revealed Pinder had actually lost to Walker by two votes. Pinder thus lost his seat in the legislature, and Walker became the MLA for Hanley.

Pinder, however, did not resign from cabinet. Instead, the Liberals questioned the neutrality of the recount. At the same time, the Liberals went to court to ask that the election result for the Hanley constituency be declared null and void. If the results were declared null and void, a new election for the constituency would have to be held.

Walker was uneasy with all the questions circulating about the legitimacy of his two-vote victory. Before the courts could consider the Liberal's case, he resigned the seat. The resignation meant a by-election would have to be called.

Pinder and Walker again faced off in a December contest. This time, Walker won decisively, with 744 more votes than Pinder. Pinder resigned his cabinet position and returned to private life.

Later in life, Pinder remarked that his time in cabinet was rather unremarkable. However, his unremarkable seven-month reign made him Saskatchewan's longest-serving unelected cabinet minister.



Cabinet ministers do not have to be from the governing party. In fact, it is not even necessary for a cabinet minister to be an MLA. However, they almost always are. Their duties include:

- overseeing the development of new laws to be considered by the legislature,
- responsibility to the legislature for the actions and management of their department, and
- representing their department to the public.

When a cabinet minister has an idea for a new law, they present it to the cabinet as a whole. If they approve of the concept, then a bill will be written by lawyers in that ministry. The bill can then be presented to the legislature for consideration.

Discuss

1. What kind of qualities would you want our premier to have?
2. The cabinet is the most politically-powerful group of people in the province. Why is it important that this group, as a whole, be broadly reflective of the provincial population?

LEGISLATIVE BRANCH

From a purely democratic perspective, the legislative branch is the most important branch of our government. It is made up of 61 MLAs. These 61 MLAs include the twenty or so people who are appointed to the executive branch of government.

The Legislative branch is primarily responsible for considering laws proposed by the Executive, then passing or rejecting those laws. Every MLA is also responsible for acting in the interests of the residents of their constituency. This may involve handling complaints about government services, and advocating for programs that advance their community. However, the province's collective needs must be a primary consideration since they are all elected as representatives of Saskatchewan.

As a principal of parliamentary democracy, the Executive Branch is accountable to the Legislative Branch. This helps ensure that the people remain supreme in Saskatchewan's democracy: the premier and cabinet must answer to elected MLAs.

The Opposition Leader and Shadow Cabinet

The party with the second-most elected representatives usually forms the official opposition. Officially called Her Majesty's Loyal Opposition, the opposition—while generally opposed to the government's policies—are still loyal to the Crown. As such, they act in the manner which they believe to be in the best interest of the province.

The leader of the party that forms the official opposition is known as the leader of the official opposition. One of the duties of the opposition leader is to scrutinize the actions taken by the government. To help accomplish this, several opposition MLAs are assigned critic roles. Together, the opposition leader and critics form a shadow cabinet. They follow the actions of their government counterparts to ensure the province is being governed with due diligence.

The opposition is often viewed as the government in waiting. Their goal is to gain enough support to win the next election and form the provincial government. Thus, in addition to criticizing the government's actions, opposition parties also propose their own alternative ideas for how the province should be run.



Speaker of the House

The Speaker of the House is an MLA who is the legislative assembly's presiding officer. The speaker impartially oversees the legislature's debates and votes, ensuring they follow established rules. As well, the speaker is responsible for overseeing many administrative functions of the legislative assembly. The speaker is chosen by all MLAs through a secret ballot.

Unlike all other members of the legislative branch, the speaker does not normally vote on legislation. The exception is if there is a tie vote. If this is the case, the speaker must cast a vote to break the tie. Normally, the precedent is that the speaker will vote for the status quo. Broadly speaking, this means that the speaker will vote to move debates on legislation forward. However, when it comes to final votes on legislation, the speaker will cast their vote in whichever way ensures that as little change happens as possible. This usually means they will vote against passing new legislation.

Discuss

1. Members of the opposition occasionally will support government initiatives. Similarly, at times MLAs from the governing party will support opposition ideas. Why must MLAs consider the merits and drawbacks of each issue presented to them, regardless of whose idea it is?
2. The speaker ensures rules are followed in the legislative assembly. Why is it vital that we have an orderly way to debate and create laws?

JUDICIAL BRANCH

The judicial branch is made up of judges. It is independent of the legislative and executive branches of government. Because no written law can possibly envelop every possible circumstance, the judicial branch is responsible for interpreting the laws passed by the legislative branch, when cases come before the court.

Judges are not elected in Canada. Instead, they are appointed by the Governor General upon advice of the Prime Minister in the case of federal courts, and by the Lieutenant Governor upon advice of the premier in the case of provincial courts.

One reason why we appoint judges is so they are free to make fair decisions, based on the facts of each case and what the law says. Judges do not make decisions based on popular opinion. Nor do they make decisions to please supporters and campaign contributors. Instead, their decisions are based on the law and what other judges ruled in earlier, similar cases.

Because judges are independent of the legislative and executive branches, they protect the rule of law. The rule of law is the idea that everyone must follow the law, no matter how powerful they are.

If citizens believe government or a particular elected representative is breaking the law, the judiciary can be a neutral arbiter. Put another way, the judiciary helps ensure that everyone in government respects the law.

Discuss

1. In Canada, judges are appointed and may keep their jobs until the age of 75. Do you think electing our judges would make them more concerned about making popular rather than correct decisions? Explain.
2. In some cases, a judge's decision can be appealed to a higher court. The higher court has the option of overturning the lower court's decision. How do appeals ensure that laws are properly interpreted by judges?

