

POLB50 Final Exam Review - By Prof. Cochrane

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11:02 AM

Cue Column:

Note-Taking Area:

- Constitution
 - British vs. American Constitutional Tradition
 - Canada mix of Convention and Law
 - Makes Canada a democracy
 - 'written' vs. 'unwritten' Constitution
 - Mallory article definition of written and unwritten
 - Law: rule enforceable in court
 - Convention: rule not enforceable in court
 - Constitution: Only laws, enforce in courts
 - Constitutional conventions
 - GG acting on PM advice - convention --> should do
 - Law: election every 5 years
 - Convention: PM resigns, Cabinet resigns when lose support of HofC
- Cabinet
 - Confidence
 - Increase in party discipline -> don't vote, resigns, election
 - Controls exec power and legislative power
 - Fusion of powers (legislative and executive)
 - Convention of responsible government fuses this
 - PM more powerful than President
 - In HofC and centre of exec
 - Cabinet controls legislature
 - PM controls cabinet
 - Few checks on power of PM (Savoie)
 - PM power in majority gov't > minority gov't
 - Needs to maintain HofC confidence
 - Aka confidence chamber
 - Bicameral
 - Legislature divided into 2 houses of chambers
 - Have same powers, the differences
 - Money bill intro'd first to HofC
 - Constitutional amendments, Senate can't stop it from going through, but can delay it (suspend veto)
 - Coalition: > 1 party in cabinet
 - Plurality vs. Majority - 5 parties: A, B, C, D, E
 - Plurality: more than everyone else ($A < B+C+D+E$)
 - Majority: more than everyone else *combined* ($A > B+C+D+E$)
- Legislative union vs. Federalism
- Parliamentary Supremacy
 - Parliament had supremacy power to act
- Responsible government
 - Gov't where exec branch governs as long as maintains confidence of HofC
 - Accountability
 - Lying is fundamental breach
- Federalism - keyword: *subordinate*
- Centralized vs. Decentralized
 - Decentralized: federalism where subnational have most powers
 - Centralized: central gov't has most powers
 - s.91 residual clause - leftover powers to feds
- Judicial review
 - Court has power to interpret laws

- s.1 residual clause - refer powers to laws
- Judicial review
 - Court has power to interpret laws
 - 7-50 Clause
 - Constitution is what judges interpret it } controversial
 - Words are ambiguous
 - Can strike down legislations and gov't (realistically) can't do anything about it
- Asymmetrical federalism
 - One of regional gov't more power than other
- Governor in Council
 - GG acting on Cabinet's advice
- Sources of PM power ** know
 - Hire/fire cabinet ministers
 - Dispense patronage
 - Leader of political party
 - Summarize cabinet consensus
 - Bureaucratic support staff
- Restrictions
 - Representational imperative
 - Fulfill diversity of some time
 - Time
 - So much power, so little time
- HofC
 - Representation by population with exceptions:
 - Grandfather clause
 - Floor ___
- Fusion of powers**
- Bureaucracy (essay question- short essay)
 - Impartiality
 - Set rules for appointment (based on merit)
 - Steering vs. rowing
 - Politicians steer; Bureaucrats row
 - Line Dept
 - Hierarchy in order of ranking (top-down)
 - ◆ CM, DM -> Asst.DM, Ministerial Responsibility -> power & accountability; Bureaucratic Anonymity
 - Accountability flows upward
 - Power flows downward
 - If person has power, they are accountable
- Charter of Rights + Courts (2nd essay section, 2 of 3 essay questions)
 - Bill of Rights was a legislation, not a Constitution
 - Trudeau wanted to patriate Constitution
 - Something Canada can have and use instead of asking Brits all the time
 - Also wanted to add Charter of Rights (gov't has to respect it)
 - *Night of Long Knives*
 - Clauses
 - Know them, must know s.1
 - s.2 fundamental freedoms
 - s. 7-15 legal rights ; s.15 equality
 - s.33 Notwithstanding Clause
 - Lets gov't enact legislation notwithstanding s.2 and s.7-15 for period of 5 years
 - ◆ Can violate s.2, 7-15 for 5 years IF used notwithstanding
 - Oakes Test *****
 - Supreme Court test to decide any violations of Constitution by gov't met limitations set by s.1
- Judiciary
 - Know hierarchy of courts and feds appoint judges to some courts

- Know hierarchy of courts and feds appoint judges to some courts, and prov appoint judges to some courts
 - Court of Appeal doesn't look at evidence, just looks at law
 - Supreme Court decision is final
 - Whatever decision it makes, all other levels of courts must follow the precedent
 - Judicial Independence
 - Needs to be isolated from politics; protect rights of minorities from majority
 - Public Policy
 - Look @ Andrew's slides
 - No question about policy process!! :D
 - International
 - Comparative Advantage and trade policy
 - SA about free trade?
 - What is free trade
 - Why is controversial
 - ◆ If one place specialize in one thing, what happens to workers who made the other less important things? Fired
 - Why some support it
- s.91 fed powers; s.92 prov powers
- Constitution 1982 s.1, 2, 7-15, 33
 - s.1 Oakes Test
- First essay: 2 of 3 questions
 - Bureaucracy
 - Charter
 - ??
- Long essay section
 - Think through how institutions of Cdn gov't- power and accountability
 - Federalism - how does it relate to accountability?
 - Responsible
 - HofC, Senate - why does senate lack power

Summary Area:

Summaries: