

The Opposition

The Opposition occupies an essential place in constitutions based on the British Parliamentary system. Like many other institutions, such as that of the premiership for instance, it is founded on unwritten customs that have been accepted and become firmly established.

The choice of the Canadian electorate not only determines who shall govern Canada but, by deciding which party receives the second largest number of seats in the House of Commons, it designates which of the major parties becomes the official Opposition. The function of the Leader of the Opposition is to offer intelligent and constructive criticism of the Government of the day.

When criticism by the Opposition becomes sufficiently effective, it can overthrow the existing Government, and the Leader of the Opposition might then, as a result of the ensuing election, become Prime Minister.

Although the position of Leader of the Opposition is not recognized in the British North America Act, it received statutory acknowledgment in Canada in 1927. The Senate and House of Commons Act of that year provided for an annual salary to be paid to the Leader of the Opposition in addition to the indemnity as a Member of the House. In 1963, the Senate and House of Commons Act was further amended to provide for an annual allowance to each member of the House of Commons (other than the Prime Minister or Leader of the Opposition in the House of Commons) who is the leader of a party that has a recognized membership of 12 or more persons in the House.

The Federal Government Franchise

The present franchise laws are contained in the Canada Elections Act, 1960 Statutes of Canada, c. 39. The franchise is conferred upon all Canadian citizens, men and women, who have attained the age of 21 years, as well as upon British subjects ordinarily resident in Canada for the 12 months immediately preceding polling day at such election. In the case of by-elections only (which occur between general elections), the voter must continue to be ordinarily resident in the electoral district between the date of issue of the writ and the polling day. Persons disqualified from voting are:

- (1) The Chief Electoral Officer;
- (2) The Assistant Chief Electoral Officer;
- (3) The returning officer for each electoral district during such person's term of office, except when there is an equality of votes on the official addition of votes or on a recount as provided in the Canada Elections Act;
- (4) Judges appointed by the Governor General in Council;
- (5) Persons undergoing punishment as inmates of any penal institution for the commission of any offence;