



# 3

## Federalism in Canada

### Key Terms

**Appointment power** (p. 96) The authority to decide who should be selected to fill a government position.

**Asymmetrical federalism** (p. 100) A model of federalism in which jurisdictional powers are distributed unequally among provinces.

**Canada Health Act** (p. 110) Federal legislation imposing conditions on provincial governments for the expenditure of funds from health transfers.

**Centralized federalism** (p. 91) A federal system of government where the national government has considerable power.

**Classical federalism** (p. 97) A model of federalism in which federal and provincial governments operate independently of each other in their own respective areas of jurisdiction.

**Collaborative federalism** (p. 98) A model of federalism in which provincial governments take the lead to solve common public policy problems together.

**Conditional grants** (p. 110) Federal transfers to the provinces that may only be used for a specific purpose, and are subject to federal government restrictions or standards.

**Co-operative federalism** (p. 98) A model of federalism in which federal and provincial governments work together to solve public-policy problems.

**Council of the Federation** (p. 99) An organization that supports regular meetings among provincial and territorial premiers.

**Decentralized federalism** (p. 91) A federal system of government where the regional units have considerable power.

**Declaratory power** (p. 93) The authority of the federal government to decide that an issue falls within its jurisdiction.

**Devolution** (p. 83) The act of transferring (*devolving*) powers from a central government to regional or local governments that remain under its constitutional purview.

**Disallowance** (p. 91) The constitutional power of the federal government to veto provincial legislation and cause its termination.

**Divided crown** (p. 86) A monarchy whose sovereignty is split among different orders of government.

**Emergency federalism** (p. 99) A model of federalism in which the federal government assumes control in a national crisis.

**Equalization** (p. 108) A federal transfer program that is designed to lessen the fiscal disparities among provinces.

**Executive federalism** (p. 114) A system in which the elected leaders of federal and provincial governments make public policy decisions.

**Federal spending power** (p. 96) The capacity of the federal government to spend its available funds, even on areas that fall outside its constitutional jurisdiction.

**Federalism** (p. 83) A constitution-based division of powers between two or more orders of government.

**First minister's meetings** (p. 114) Formal gatherings of the premiers, sometimes hosted by the prime minister.

**Fiscal federalism** (p. 104) The manner in which revenues and responsibilities are distributed among various orders and governments.

**Functional federalism** (p. 114) A system in which civil servants conduct the bulk of intergovernmental activity.

**Horizontal fiscal gap** (p. 104) Inter-provincial revenue disparities.

**Horizontal fiscal imbalance** (p. 104) A situation in which some provinces have greater capacity to fund their constitutional responsibilities than others.

**Inter-state federalism** (p. 114) A system of formal interactions among government officials and leaders.

**Intra-state federalism** (p. 115) A system in which regional interests are represented within the institutions of the central government.

**Per capita transfers** (p. 110) Funds distributed to provinces based on how many people live in their jurisdictions.

**POGG** (p. 92) The acronym for the constitutional objective of “peace, order, and good government.”

**Reservation** (p. 91) The constitutional power of the federal government to withhold the passage of provincial legislation, so as to cause short-term or permanent delay.

**Residual power** (p. 93) Any powers not specifically identified in the constitution, which default to the federal government.

**Social safety net** (p. 103) Government-funded social welfare programs designed to assist citizens in their time of need.

**Sovereignty** (p. 84) The power to exercise government authority over a polity within a defined geographical area.

**Symmetrical federalism** (p. 100) A model of federalism in which provincial governments are entitled to equal powers.

**Treaty federalism** (p. 100) A model of federalism recognizing the equal-order relationship between First Nations and the Crown.

**Unitary system** (p. 83) A political system featuring a central government that chooses what powers to devolve to regional bodies.

**Vertical fiscal gap** (p. 105) A revenue disparity between the federal and provincial orders of government.

**Vertical fiscal imbalance** (p. 105) The federal government has an excess of revenue, and the provinces an excess of responsibilities, with respect to their constitutional obligations and fiscal capacities.

## Review Questions

### Multiple Choice Questions

1. Which of the following is true of Canadian federalism?
  - a) It developed in isolation.
  - b) It has been viewed from the same perspective across the country.
  - c) The Fathers of Confederation drew their greatest inspiration from the United States.
  - d) All of the above
2. Which of the following are concurrent jurisdictions between federal and provincial powers in Canada?

- a) Direct taxation
  - b) Immigration
  - c) Treaties
  - d) Fisheries
3. Which of the following sections of the Canadian constitution identifies the power of reservation?
- a) Section 171
  - b) Section 92
  - c) Section 55
  - d) Section 23
4. Some sections of the constitution stipulate that federal laws would prevail in the event of conflict with provincial laws. What is this known as?
- a) Federal paramountcy
  - b) Declaratory power
  - c) POGG
  - d) Residual power
5. Which of the following statements best describes co-operative federalism?
- a) All provinces are treated equally.
  - b) Federal and provincial governments look after their separate jurisdictions.
  - c) Federal and provincial governments work together.
  - d) Some provinces receive special powers.
6. Who advocated the concept of “open federalism,” which marked a return to classical federalism?
- a) Justin Trudeau
  - b) Stephen Harper
  - c) Pierre Trudeau
  - d) Jean Chretien
7. Which political party initiated the Commission on the Fiscal Imbalance?
- a) Bloc Québécois
  - b) Liberal Party
  - c) Parti Québécois
  - d) NDP
8. What federal transfer program was designed to lessen the fiscal disparities among provinces?
- a) Equalization
  - b) Conditional grants
  - c) Per capita transfers
  - d) Disallowance
9. Which of the following is *not* a part of the conditions of the Canada Health Act?
- a) Portable across the country
  - b) Accessible only to specific provincial residents
  - c) Publicly administered
  - d) Comprehensive medical services

10. In the scale of centralized versus decentralized powers in Canadian federalism, which of the following events saw a decline in centralized powers?
- Rowell-Sirois Commission Report
  - BNA Act 1867
  - World War II
  - JCPC rulings

## Discussion Questions

- How fair is the distribution of powers in Canadian federalism?
- To what extent does fiscal federalism assist in the development of provinces?
- Do you consider Canadian federalism to be democratic? Why or why not?

## Further Resources

### Websites

- Budget 2015, Government of Canada  
<http://www.budget.gc.ca/2015/home-accueil-eng.html>

The entire plan for the 2015 budget is documented on the official government website.

- Budget 2015, Government of Ontario  
<http://www.fin.gov.on.ca/en/budget/ontariobudgets/2015/>

The Ontario Ministry of Finance provides a detailed overview of the 2015 Ontario budget.

- Distribution of Legislative Powers, Government of Canada  
<http://laws-lois.justice.gc.ca/eng/const/page-4.html>

A government website that identifies the different legislative powers of the federal and provincial governments, including sections 91 and 92.

- History of Health and Social Transfers, Department of Finance Canada  
<http://www.fin.gc.ca/fedprov/his-eng.asp>

The Department of Finance's website outlines the evolution and history of the Social and Health transfer program.

- Federal Transfers to Provinces and Territories, Department of Finance Canada  
<http://www.fin.gc.ca/access/fedprov-eng.asp>

The Department of Finance provides data on major federal transfer programs including equalization payments, Health and Social Transfers, and papers on fiscal balances.

- Equalization Program, Department of Finance Canada  
<http://www.fin.gc.ca/fedprov/eqp-eng.asp>

The Department of Finance explains the equalization program with details on the equalization formula.

- Council of the Federation  
<http://canadaspremiers.ca/en/>

A website dedicated to interprovincial-territorial ties, leadership, and initiatives between provinces as well as information on premiers.

- Intergovernmental Affairs, Government of Canada  
<http://www.pco-bcp.gc.ca/aia/index.asp?lang=eng>

The official website on Canadian intergovernmental affairs includes individual information on provinces and territories as well as information on the minister of Intergovernmental Affairs, Justin P. J. Trudeau.

### Articles/Books

- Barbara Cameron, “Harper, Québec, and Canadian Federalism,” in *The Harper Record*, ed. Teresa Healy (Canadian Centre for Policy Alternatives, 2008), [http://www.policyalternatives.ca/sites/default/files/uploads/publications/National\\_Office\\_Pubs/2008/HarperRecord/Harper\\_Quebec\\_and\\_Canadian\\_Federalism.pdf](http://www.policyalternatives.ca/sites/default/files/uploads/publications/National_Office_Pubs/2008/HarperRecord/Harper_Quebec_and_Canadian_Federalism.pdf)

Cameron’s article looks into federal–provincial relations, focusing on Québec under Stephen Harper.

- James Gauthier, “The Canada Social Transfer: Past, Present and Future Considerations,” *Library of Parliament* 2012–48-E (2012), <http://www.parl.gc.ca/Content/LOP/ResearchPublications/2012-48-e.pdf>

A background paper by the Library of Parliament on the history and the future of the Canada Social Transfer program.

- Francois Rocher and Miriam Smith, eds, *New Trends in Canadian Federalism* (Toronto: University of Toronto Press, 2003).

A very comprehensive work on Canadian federal politics, federalism, constitutional politics, regionalism, and many other comparative issues dealing with federalism in Canada.

- Ged Martin, “The Lawmakers: Judicial Power and the Shaping of Canadian Federalism,” *British Journal of Canadian Studies* 17, no. 1 (2004): pp. 142,143,164.

A historical account on the role of the judiciary, including the Judicial Committee of the Privy Council and the Supreme Court of Canada, in shaping the Constitution and Canadian federalism.

- Adam Harmes, “The Political Economy of Open Federalism,” *Canadian Journal of Political Science* 40, no. 2 (2007): pp. 417–37.

Harmes provides a slightly different perspective on the concept of open federalism, specifically from a neo-liberal political economist’s perspective. Specific references are made to how open federalism affects the business communities, trade unions, and social activists.

- Donald Smiley, *The Federal Condition* (Toronto: McGraw-Hill Ryerson, 1987).

This classic book covers the history, conditions, and challenges of Canadian federalism.

### RSS Feeds

- Department of Finance  
<http://www.fin.gc.ca/news-nouvelles/nr-nc-eng.asp>
- Open Government  
<http://open.canada.ca/en/rss-feeds>

## Answers to Review Questions

### Multiple Choice Questions

1. **c** (p. 84)
2. **b** (p. 87)
3. **c** (p. 91)
4. **a** (p. 93)
5. **c** (p. 98)
6. **b** (p. 105)
7. **c** (p. 106)
8. **a** (p. 108)
9. **b** (p. 110)
10. **d** (pp. 116–117)