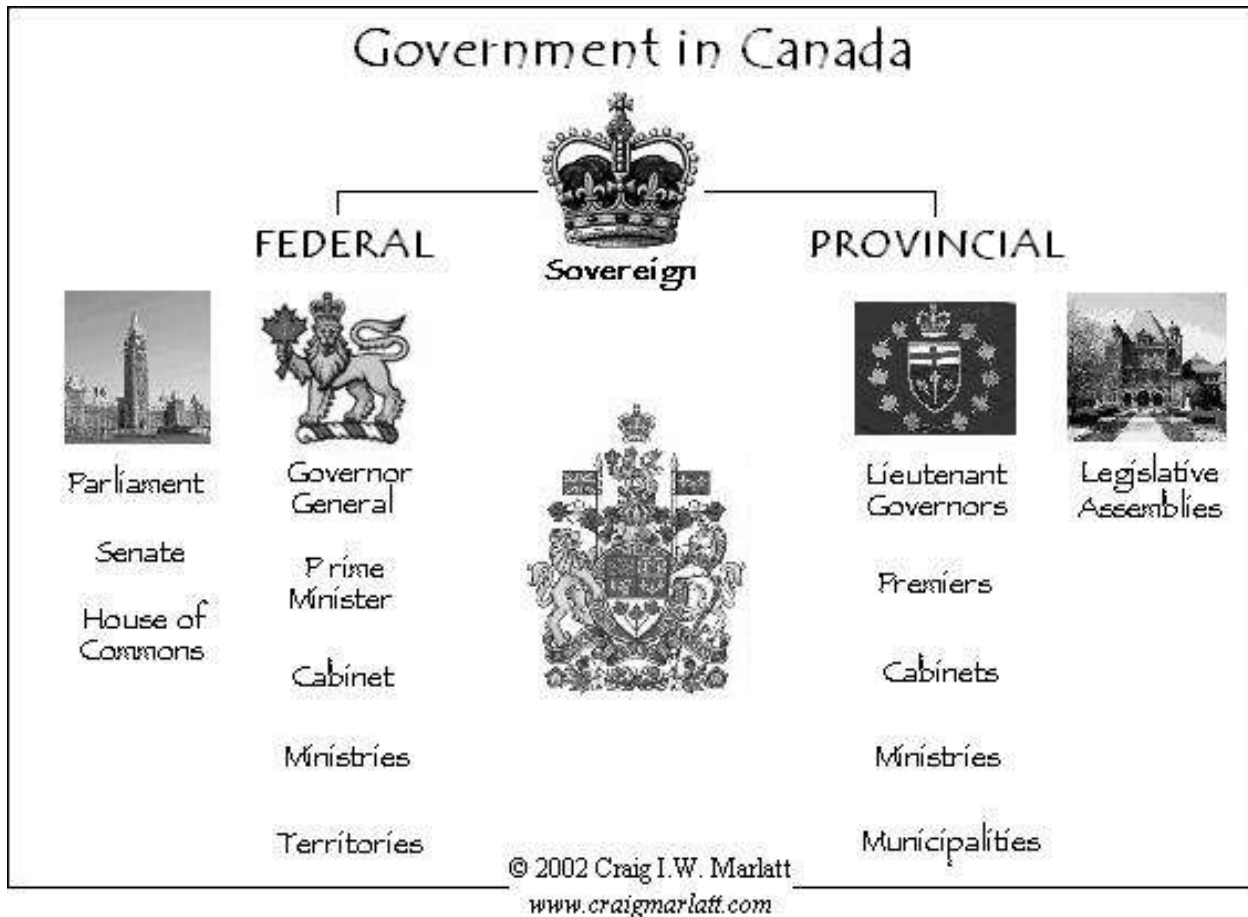


Canada's Political Structure



Canadian Nation Building

Pre-Confederation

As the decade of the 1860's began, the colonies within British North America were beginning to consider the idea of political union. In The Atlantic Colonies, there was discussion about a Maritime federation, while further west, there was talk of a much wider union, one that would bring all of British North America together.

Why Unite?

The British Colonies of North America were facing many different kinds of problems during the era that made them increasingly consider the idea of forming a union:

- Following the completion of the American Civil War in 1865, fear of American territorial expansion led the British colonies to conclude the issue of defense could better be addressed if they were united;
- The colonies needed to expand their trading markets for their goods and this could be more easily accomplished under one union;
- Fiercely independent French speaking citizens in Canada East believed their culture would fare better in Canada than it would if a union with the United States were pursued;
- The opportunity of western expansion could be better accomplished by a strong Canadian government than it could by smaller and fractured territorial states.

Charlottetown Conference



On September 1, 1864, in Charlottetown, Prince Edward Island, three Maritime colonies (Nova Scotia, New Brunswick and PEI) met to discuss the possibility of union. When politicians from Canada West (Ontario) and Canada East (Quebec) heard of the Charlottetown Conference, they asked to attend to present their proposal for a wider union. A convincing argument was presented.

To alleviate Atlantic fears of having their voice lost in such a merger, it was suggested that “representation by population” could be combined and balanced in a two-house legislature (Parliament), and that power could be divided between the federal and provincial governments; provincial governments would protect regional autonomy by dealing with matters of “a merely local or private nature.”

Quebec Conference



Later that same year (October, 1864) at the Quebec Conference, the delegates hammered out a blueprint for Confederation. As the delegates developed a constitution, several issues unique to Canada emerged that would not only would shape the nation’s character of the period, but also well into the future:

1. Quebec's position as a French speaking region with separate identity
2. Division of powers between the federal and provincial governments

3. Equality amongst the provinces
4. The role of the first nations and other 'non-government' groups in Canada
5. The threat of American expansionism

British North America Act (BNA Act)

The result was the British North America Act of July 1, 1867, that created the new nation of Canada after being signed by Queen Victoria and endorsed by the British Parliament. The new nation originally consisted of the provinces of Ontario, Quebec, New Brunswick, and Nova Scotia.



Shape and Character of the New Government

The shape and character of government in Canada had been established and the BNA Act continues to define functions within and the structure of Canadian politics today, as well as determining the ways in which decisions are made, issues addressed, and conflicts resolved.

1. A Constitutional Monarchy

While attempting to create a uniquely Canadian system, the newly formed government also attempted to preserve its traditional links with Great Britain. So, under the terms of the BNA Act, Canada became a constitutional or limited monarchy, which meant that the head of the government was theoretically the British monarch. Canadians of the era were comfortable with assigning executive power to the monarch as a safeguard against too much democratic power awarded to the people, an issue Canadians perceived to be a key drawback of the American system. To assist the British Crown in governing a land so far removed from Britain, the British monarch had official representatives at the federal and provincial levels carry out his/her duties of governing Canada. The official title of the monarch's federal representative for Canada is the **Governor General**. The official title of the monarch's provincial representative for each province is the **Lieutenant Governor**.

2. The House of Commons



Parliament in Canada was to be divided into two houses; the lower branch, the House of Commons, was to be elected on the basis of representation by population. Therefore, the more populated a province was, the more seats it would have in the House of Commons. Of the 181 Members of Parliament (MPs), 45% came from Ontario and 35% came from Quebec (65 in total). The BNA Act also specified that the seats in the House of Commons were to be reassigned once per decade in order to reflect territorial expansion and changes to the Canadian population. This is an example of how the new constitution had to be both specific enough to address the needs of the time, as well as flexible enough to adapt to changes that would occur in the century to follow. The political party that holds the largest number of seats in the House of Commons forms the government of Canada.

3. The Senate

The BNA Act created an upper branch of parliament also. The Senate was made up of regional representatives appointed for life. This regional body had an equal number of appointed members from the three main areas of Canada: 24 members from each of Ontario, Quebec and the Maritimes. When the Western provinces joined Confederation later, an additional 24 seats were set aside for them. By providing equal regional representation in the Senate, an attempt was made to meet the needs of Canada's various regions and allow for the expression of minority voices from the nation's less populated regions. The Senate was also supposed to provide a "somber second thought" prior to bills being passed into law.



4. The Judicial System

Under the terms of the BNA Act, criminal law was a federal matter and civil law rested with the provinces. Thus, the BNA Act was attempting to meet the needs of various cultures and regions; this would allow for the continuation of French Civil Law in Quebec.

5. Provincial vs. Federal Powers

In an attempt to avoid the types of problems (such as the American Civil War) they had recently witnessed in their neighbours to the south, the Fathers of Confederation sought to clearly spell out the kinds of powers that would rest in the hands of the federal government and those that would rest with the provincial governments. The BNA Act gave the central government more powers, and the areas that it was given – such as criminal law, defence, trade, and foreign affairs – were considered to be more important than the powers awarded to the provinces (education, civil law, and health). The roles and responsibilities of the various levels of government will be explored further in an upcoming lesson. Furthermore, the central government was the only branch that was given residual powers (unspecified or left over); only it could enact laws for the "Peace, Order, and Good Government" of Canada. In addition, only the central government

could levy direct and indirect taxes, and it also had the power of disallowance (to nullify or cancel) over any provincial law that it felt violated a federal statute.

6. Differences Between Canadian and American Systems

The Fathers of Confederation were anxious to maintain their traditional ties to Britain, hence the creation of a constitutional monarchy. They also wanted to improve on the American system of government, which they felt gave too much power to the individual states. That is why the Canadian system has a Parliament that combines both regional (Senate) and proportional (House of Commons) representation. As well, the BNA Act clarified how power was to be distributed between federal and provincial governments, with the federal government being awarded the balance of power.

Growing Independence In the Years to Follow

Although the Canada Act of 1867 formed the Dominion of Canada, Canada remained part of Britain. As Canada's federal government matured, it took increasing responsibility for its own affairs. For example, in recognition of Canada's contribution to WWI, Canada was able to sign the **Treaty of Versailles** independently from Britain.

In 1931, the **Statute of Westminster** transformed the British Empire into the British Commonwealth. In doing so, it allowed all nations of the Commonwealth, including Canada, the power to change, amend, or repeal British laws within their boundaries. Canada now had the final say and was its own, autonomous, self-governing nation. The only power it did not have was the right to amend its own constitution.