

## Division of Powers and Responsibilities

9.2.1  
c

Use the chart to sort this list of powers and responsibilities.

- Postal services
- Libraries
- Legal names
- Land claims negotiations with federal, provincial, and municipal governments
- Relations with Aboriginal Peoples
- International development and aid
- Municipal parks
- Education on reserves (band-run schools)
- Immigration
- Treaty negotiations with First Nations
- School boards
- Social Insurance Numbers
- Child and family services for First Nations children
- Garbage pick-up
- Passports
- War and peace
- Snow removal
- Courts and civil laws
- Shipping waterways
- Local government on reserves or First Nations lands
- School taxes
- Highways
- Employment Insurance
- International trade and commerce
- Health services and hospitals
- National health care funding
- Water and sewage services
- Natural resource management on First Nations lands
- Management of province's natural resources
- Copyright
- Public swimming pools
- Education and schools
- Federal parks and heritage sites
- Marriage licenses and divorce decrees
- Trans-Canada Highway
- Zoning laws
- Child protection services
- Local Public Transportation
- Treaty Negotiations with Federal Government
- Liquor Licenses
- Armed Forces
- Boulevard and tree maintenance
- Birth certificates
- Royal Canadian Mounted Police (RCMP)
- Local recycling programs
- Telecommunications and Internet
- Labour laws: minimum wages, work conditions, safety
- Police and fire protection
- Street signs, traffic, parking
- Foreign policy
- Property laws
- Money and banking
- Provincial parks and heritage sites
- Recreation and community centres
- National defence and security
- Aboriginal self-government negotiations with Crown
- Criminal law
- Family courts, child custody
- Local roads
- Old Age Pensions
- Election of First Nations Chiefs
- Supreme Court of Canada
- Ambulance services
- Child tax benefits
- Negotiation of First Nations fishing and hunting rights with federal and provincial governments
- Drivers' licences
- Property taxes
- Building Permits

# Division of Powers and Responsibilities



Federal	Provincial
Municipal	First Nations

*Note that First Nations (band) governance on reserves has many of the same powers and responsibilities as local or municipal governments.*

*Also, many First Nations powers and responsibilities are still in negotiation and are shared between the federal government (Indian and Northern Affairs Canada) and First Nations.*



### **Areas of shared federal/provincial powers and responsibilities:**

Transportation	Agriculture	Marriage and Divorce
Communication	Social Assistance	Laws
Immigration	Correctional Facilities	Tourism and Travel
Health	Energy	Income Taxes
Environment	Human Rights	Sales Taxes

**Aboriginal self-government:** The ability of Aboriginal governments to pass laws and make decisions about matters that affect their communities and lands, including the establishment of new governing structures and institutions, in partnership with all orders of government in Canada.

### **General Constitutional Guidelines**

The *federal government* has powers and responsibilities in matters that concern all Canadians, most notably matters that cross interprovincial and/or international borders.

*Provincial governments* have jurisdiction in matters of local interest and local well-being (e.g., primary and secondary education, social services, property and civil rights, provincial and municipal courts).

Some areas of responsibility are shared by both levels of government. For example, in the area of transportation, the federal government has jurisdiction in matters involving movement across provincial or international borders (aviation, marine transport, and rail), while the provinces look after provincial highways, vehicle registration, and driver licensing. Control over agriculture, immigration, and certain aspects of natural resource management are also shared, but if federal and provincial laws in these areas conflict, the federal law prevails.

The Constitution Act, 1867 gives the federal government responsibility for the territorial governments (Yukon Territory, Northwest Territories, and Nunavut). These governments have more or less the same responsibilities as the provinces, but do not control land and natural resources. Their powers are not guaranteed by the Constitution but are granted by the federal government, which can change them when necessary.

A basic principle of the Constitution Act, 1867 is that any power that is not specifically assigned to provincial legislatures belongs to the Parliament of Canada. In interpreting the law, the courts have generally followed the principle that if the power appears to be local, then it will be assigned to the provinces and territories; if it appears to be national, then it is assigned to the federal government, or to both levels if the power is both national and local (e.g., the environment).

*Municipal governments* handle the affairs of cities, counties, towns, villages, districts, and metropolitan regions. They are set up by provincial legislatures and have only such powers as the provinces give them. They provide citizens with services such as water and sewer systems, garbage disposal, roads, building codes, parks, and libraries, and have authority over property tax.

Local governments do not have constitutional powers, but rather have functions delegated to them by other levels of government.