

3.

C232004

Difference from previous amendments

The British North America Act has been amended in the past, on several occasions, in response to a joint address from both Houses of the Canadian Parliament without reference of any kind to the provinces.

It may, therefore, be asked why any reference was made to the provinces on this occasion. Why did the government not proceed to introduce an address in each House.

The answer is to be found in the fact that previous amendments did not touch the legislative powers or jurisdiction of the provinces. The amendment required in this case involved a transfer of legislative competence from the provincial to the federal field.

Present case not intended as a precedent

It was considered by the government desirable in this instance to consult the provinces and, if possible, to secure their agreement to the making of the necessary amendment.