

Constitution Act 1982, which included an amending formula, however ended the 55 year impasse.

The Constitution Act 1982

Apart from its historic significance, the Act adds important new provisions to the present Canadian Constitution. These include:

- a Charter of Rights and Freedoms that acknowledges the supremacy of God and the rule of law, protects the rights that Canadians have traditionally enjoyed, and recognizes important new rights;
- recognition of Canada's multicultural heritage;
- affirmation of the existing rights of the native peoples;
- the principle of equalization, which refers to the long-standing tradition of sharing wealth among the provinces through payments from the revenues of the federal government;
- provisions that confirm and strengthen the provincial ownership of resources; and
- an amending procedure that ensures that all changes to the Constitution can be made in Canada.

The Constitution Act 1982 is not a new Canadian Constitution; the BNA as well as other important laws that touch on constitutional matters remain in existence and are incorporated into the Constitution Act 1982. For example, the



A large crowd was on hand to view the ceremony despite the rain that fell later in the day. A young couple watch the proceedings from their perch on the wall.



The Queen and Prince Philip, preceded by Lady-in-waiting Michelle Nolin-Raynaud, stroll through the crowd.

BNA Act now becomes the Constitution Act 1867.

Renewal of the Constitution

The proclamation of the Constitution Act 1982 is the culmination of nearly two years of intense political activity in Canada. On May 20, 1980 the majority of Quebecois voting in a referendum refused to grant the provincial government a mandate to negotiate a new political relationship with the rest of Canada, an arrangement called "sovereignty-association". In response to political commitments made during the referendum, Prime Minister Pierre Trudeau called on the premiers of each of the provincial governments — British Columbia, Alberta, Manitoba, Saskatchewan, Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland — to prepare for a federal-provincial conference that would reform the Constitution and renew Canadian federalism.

In September 1980, the Prime Minister and the ten premiers failed to reach agreement on any of the 12 subjects on the agenda of the conference. The items discussed were the patriation of the Constitution with a new amending formula, a preamble to the Constitution, the entrenchment of a bill of rights, the principle of equalization, the reform of the Senate and the Supreme Court, and the reallocation of the powers between the

levels of government to legislate on natural resources, offshore resources, fisheries, communications, family law and the economy.

The reason for the failure, like the previous attempts to reform the Constitution in the Sixties and Seventies, was that the provinces and the federal government could not reconcile competing views on how to modify the Constitution. The provinces, or at least the majority, thought it was essential, first of all, to discuss the distribution of constitutional power in the federal system. The Canadian government's priority was a patriated Constitution with a bill of rights.

Faced with the deadlock, the Canadian government decided to move unilaterally to reform the Constitution. A resolution was introduced in the Canadian Parliament in October 1980 requesting the British Parliament to "patriate" the Constitution with a new Charter of Rights, an amending formula and a provision for equalization payments. Although the main opposition party, the Progressive Conservatives, supported in principle the idea of a Charter of Rights, they opposed the notion that the Canadian government could make such important constitutional changes with only the support of two of the ten provinces. The other party in Parliament, the New Democratic Party, gave its support to the proposal once the Liberal government agreed to include a provision strengthening the provincial powers over natural resources.

Special parliamentary committee

The constitutional package aroused great interest among the Canadian public. A Special Joint Committee of the Senate and House of Commons became the first parliamentary committee to televise its hearings and it received over 1 200 briefs and letters from groups and individuals. As a result of its hearings, more than 70 substantive changes were made to the government's original proposal.

The majority of the provinces argued that unilateral action by the Canadian Parliament, even after the report of the joint committee, went against the practice and spirit of federalism. They claimed that in a federal system there were two levels of governments, and the federal government could not make important constitutional changes without the consent of the provincial governments. Six provinces at the beginning and two more later on took their case to the courts to contest the constitutionality of the federal resolution. The Manitoba and