

providing essential public services of reasonable quality to all Canadians"; and (2) that the government and Parliament of Canada "are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation."

The 1982 act also provides that the guarantees for the English and French languages do not abrogate or derogate from any legal or customary right or privilege enjoyed by any other language, and that the Charter shall be interpreted "in a manner consistent with the preservation and enhancement of the multicultural heritage of Canada."

Finally, the act provides for English and French versions of the whole written Constitution, from the act of 1867 to the act of 1982, and makes both versions equally authoritative.

## **Powers of the national and provincial governments**

The national Parliament has power "to make laws for the peace, order and good government of Canada," except for "subjects assigned exclusively to the legislatures of the provinces." The provincial legislatures have power over direct taxation in the province for provincial purposes, natural resources, prisons (except penitentiaries), charitable institutions, hospitals (except marine hospitals), municipal institutions, licences for provincial and municipal revenue purposes, local works and undertakings (with certain exceptions), incorporation of provincial companies, solemnization of marriage, property and civil rights in the province, the creation of courts and the administration of justice, fines and penalties for breaking provincial laws, matters of merely local or private nature in the province, and education (subject to certain rights of the Protestant and Roman Catholic minorities in any province and of particular denominations in Newfoundland).

Subject to the limitations imposed by the *Constitution Act, 1982*, the provinces can amend their own constitutions by an ordinary act of the legislature. They cannot touch the office of lieutenant-governor; they cannot restrict the franchise or qualifications for members of the assemblies or prolong the lives of their legislatures except as provided for in the Charter of Rights and Freedoms.

Of course the power to amend provincial constitutions is restricted to changes in the internal machinery of the provincial government. Provincial legislatures are limited to those powers explicitly given to them by the written Constitution. So no provincial legislature can take over powers belonging to the Parliament of Canada. Nor could any provincial legislature pass an act taking the province out of Canada. No such power is to be found in the written Constitution, so no such power exists.