

The Charter does not change this. The only security against it is the federal power of disallowance (exercised in the Nova Scotia case) and the fact that today very few legislatures would dare to try it, save in most extraordinary circumstances: the members who voted for it would be too much afraid of being defeated in the next election.

Aboriginal and treaty rights

The *Constitution Act, 1982*, makes other changes, and one of these looks very significant indeed, although how much it will really mean remains to be seen. The *BNA Act, 1867*, gave the national Parliament exclusive authority over "Indians and lands reserved for the Indians," and the courts have ruled that "Indians" includes the Inuit. Till 1982, that was all the Constitution said about the native peoples.

The Constitution now has three provisions on the subject.

First, it says that the Charter's guarantee of certain rights and freedoms "shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada," including rights or freedoms recognized by the Royal Proclamation of 1763, and any rights or freedoms acquired by way of land claims settlement.

Second: "The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed," and the aboriginal peoples are defined as including the Indian, Inuit and Métis peoples.

Third, in 1983, the amending formula was used for the first time to add to the aboriginal and treaty rights of Canada's native peoples rights or freedoms that already existed by way of land claims agreements or that might be so acquired, and to guarantee all the rights equally to men and women. The amendment also provided that there would be no amendments to the constitutional provisions relating to Indians and Indian reserves, or the aboriginal rights and freedoms guaranteed by the Charter of Rights and Freedoms, without discussions at a conference of first ministers with representatives of the native peoples. The amendment came into force on June 21, 1984.

Other changes

The *Constitution Act, 1982*, also contains a section on equalization and regional disparities. This proclaims: (1) that the national government and Parliament and the provincial governments and legislatures "are committed to promoting equal opportunities for the well-being of Canadians, furthering economic development to reduce disparities in opportunities, and