

## The “Old” Constitution

### Problems with BNA Act:

#### 1. It was an act of British Parliament

- Cda not totally independent
- If Cda wanted to amend (add or change laws to) the Const. it had to ask the British Parliament for permission.
- Cda could not “take home” (*patriate*) its Const. until it could agree on an amending formula

#### 2. Confusion regarding division of powers

- esp. in regards to who controlled natural resources
  - fishing → Federal gov't
  - Timber & wood → provincial gov't
  - Jurisdiction over other resources was unclear (e.g. oil and natural gas)

#### 3. Shared- Cost programs

- Despite residual powers there were still disputes in other areas of responsibility. Often the federal and provincial gov'ts would agree to share the cost of some programs
  - [Shared costs agreements: arrangements between two levels of government to share the costs for programs in areas not identified in the BNA act]**
- E.g. health care - \$ for health care was provided to the provinces by the federal gov't as long as provinces agreed to spend the money according to federal guidelines. Provinces sometimes objected to these guidelines.

#### 4. Constitution did not guarantee civil liberties (e.g. freedom of speech)