

## A New Constitution!

- In the early 80's Trudeau decided to patriate the Constitution
- Bringing the constitution home was difficult since neither the federal nor provincial gov'ts wanted to give up any powers
- After much negotiation Trudeau was able to bring home the Constitution in 1982

The new Constitution became the **Constitution Act, 1982** which **included** the BNA, 1867

The Constitution Act, 1982 added four key elements:

### 1. Principle of equalization

- Essential services such as health care, education, social services should be available to all residents in all parts of Canada
- However provinces with smaller populations may not be able to collect sufficient funds through prov. taxes to support such services. Richer provinces provide the funds for these "have not" provinces. This commitment was put into the new Constitution

### 2. Natural Resources

- A clearer interpretation of who was responsible for control and management of natural resources
  - granted provs jurisdiction over natural resources such as oil and natural gas (with some restrictions)

### 3. Amending Formula

- The new constitution included a method of making future changes to the Constitution. This is called the **Amending Formula**.
    - An amendment to the Constitution requires the approval of the Parliament **plus** two thirds of the provinces representing **at least 50 %** of the population
- \*Other amending provisions are available if the constitutional change affects activity in only one province

### 4. Charter of Rights and Freedoms

- Constitutional protection of our rights and freedoms (guarantees them)
- Any law or gov't action violating these rights may be declared invalid and may be struck down.