

# 1.6 The Development of Canada's Constitution.

# How did the British North America Act lay down the structure of the Canadian Constitution?

It outlined the powers of the Canadian Government to make law and to establish levels of government.

# What is the Importance of the Statute of Westminster?

It allowed Canada to form agreements with other countries without Britain's involvement.

Also the government of Canada was no longer subject to the laws of great Britain and could pass its own laws.

# Why did it take so long for Canada to get control of its own constitution?

Because the federal and provincial governments were suspicious of one another and were unwilling to lose any powers. They could not agree on a formula for amending the constitution.

# Distinguish Between:

## Constitution Act 1867

- Is the British North America Act
- Is now part of the Constitution Act 1982

## Constitution Act 1892

- Includes the Amending Formula
- Includes the Canadian Charter of Rights and Freedoms.

# Distinguish between section 91 and 92 of the Constitution Act 1867 = the Constitutional Division of powers

## 91

- Outlines the powers of the Federal Government
- Important powers:
  - Peace, order and good government
  - Criminal law
  - Banking, coinage, currency

## 92

- Outlines the powers for the provincial government
- Important powers:
  - Property and civil rights
  - Police forces and provincial courts
  - hospitals

# 3<sup>rd</sup> level of Government in Canada and what type of laws does it pass?

## Municipal Government.

- Regulates cities, towns and other small communities
- It passes by laws for the activities it regulates
- Bylaw examples :
  - Garbage collection, emergency services, building permits, water services, night time noise, regulations concerning stray dogs and cats.