Confederation

Canada became a nation, the Dominion of Canada, in 1867. Before that, British North America was made up of a few provinces, the vast area of Rupert’s Land (privately owned by the Hudson’s Bay Company), and the North-Western Territory. By 1864, many leaders felt that it would be good to join into one country. Known as the Fathers of **Confederation**, these leaders met and wrote a **constitution**for the new country, which had to be passed by the **Parliament** of the United Kingdom. Once passed, it became known as the *British North America Act*, or the *BNA Act*. This Act brought together the three provinces of Nova Scotia, New Brunswick and Canada (which became the provinces of Ontario and Quebec). The *BNA Act* described the structure and main **laws**of the new country, as well as the division of powers between the new provinces and the **federal government**.

The rest of Canada’s provinces and territories joined Confederation (became a part of the country) at later dates:

**1867**Ontario, Quebec, New Brunswick, Nova Scotia

In Nova Scotia and New Brunswick separate denominational schools were regarded as socially divisive. Only Upper (Ontario) and Lower Canada (Quebec) established dissentient and separate schools.

**1870**Manitoba, Northwest Territories

**1871**British Columbia

**1873**Prince Edward Island

**1898**Yukon Territory

**1905**Alberta, Saskatchewan

**1949**Newfoundland and Labrador

**1999**Nunavut

In 1997 Quebec achieved a Constitutional amendment of S. 93 of the Constitution Act (BNA Act) that replaced denominational school boards with boards organized on linguistic lines. This eliminated all rights and privileges of minority denominational schools in Quebec. On July 1, 1998, the province's 137 Roman Catholic and 18 Protestant school boards were replaced by 60 French language and 9 English language school boards

In 1997, Newfoundland and Labrador also achieved a Constitutional amendment of S. 93 of the Constitution Act (BNA Act) that created a secular school system to replace the church-based education system.

1. **Which level of government has the exclusive right to make laws in relation to education?**

The provincial legislature has the right to make laws that abide by the provisions set out in Sec 93 of the BNA Act.

1. **What does the term ‘at the union’ mean?**

At the union is a term that means when a province joins the Dominion of Canada

1. **How does the BNA Act limit the passing of laws that affect operations of denominational schools?**

No province shall make any law that prejudicially affects the rights or privileges of a denominational (religion-based /Catholic or Protestant Minority) school system that are in place (existed and was recognized as a minority system) when it joined Canada.

1. ***NOTE: A dissentient school is one that does not reflect the normal operations of those that are in the majority within a province (see note below). Dissentient status for a school system is either identified by a province as it joins Canada OR is established by a provincial government after the province joins Canada.***

**How does the BNA Act protect dissentient schools?**

The BNA Act extends all powers, privileges and duties that are in place in a province that has denominational schools when it joined Canada to the minority Protestant and Catholic school systems in either Ontario or Quebec.

1. **If a provincial government passes a law that negatively impacts the educational rights of the minority citizens, what can the citizens do to ensure that the BNA Act is being enforced?**

Any minority denominational school system can appeal to the Federal Government if their province passes a law that affects their educational rights and privileges set out in the BNA Act.

1. **What authority does the federal government have to ensure that the educational rights of the minority citizens of a province are protected?**

If a provincial government in Ontario or Quebec passes a law that infringes on the denominational minority school system, the federal government may then pass laws to protect the rights and privileges of this minority denominational school system.