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CONFIDENTIAL

MEETING OF OFFICIALS ON THE CONSTITUTION

(Draft for Discussion Purposes Only)

Canadian Charter of Rights and Freedoms

Federal

Ottawa  
January 11-12, 1979

DIVISION III

Rights and Freedoms Within

The Canadian Federation

General

Canadian  
Charter  
of Rights  
and  
Freedoms

5. The provisions of this division, which may be cited as the Canadian Charter of Rights and Freedoms, set forth rights and freedoms that, in a free and democratic society, must be assured to the people and that are consistent with Canada's recognition of the standards proclaimed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Fundamental Freedoms

Fundamental  
freedoms

6. (1) Everyone has the right to the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, opinion and expression including freedom of the press and other media for the dissemination of news and the expression of opinion and belief; and
- (c) freedom of peaceful assembly and of association.

Justifiable  
limitations

(2) The manifestation or exercise of the freedoms declared by this section may be made subject only to such limitations as are reasonably justifiable in a free and democratic society in the interests of national security, public safety, order, health or morals or the rights and freedoms of others.

Democratic Rights

Democratic  
rights of  
citizens

7. Consistent with the principles of free and democratic elections to the House of Commons and to the legislative assemblies, and of universal suffrage for that purpose, every citizen of Canada shall, without unreasonable distinction or limitation, have the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

Duration  
of  
elected  
legislative  
bodies

8. (1) Every House of Commons and legislative assembly of a province shall continue for five years, or in the case of a legislative assembly for five or such lesser number of years as is provided for by the constitution of the province, from the date of the return of the writs for the choosing of its members and no longer, subject to its being sooner dissolved in accordance with law.

Continuation  
in special  
circumstances

(2) Notwithstanding subsection (1), in time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly of a province may be continued by the legislature thereof beyond the time limited

therefor by or under subsection (1), if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be.

Annual sitting of elected legislative bodies

9. There shall be a sitting of Parliament and of each legislature at least once in every year and not more than twelve months shall intervene between sittings.

Legal Rights

Legal rights

10. (1) Everyone has the right to life, liberty and security of his or her person and the right not to be deprived thereof except by due process of law, which process encompasses the following:

- (a) the right to be secure against unreasonable searches and seizures;
- (b) the right to protection against arbitrary or unlawful interference with privacy;
- (c) the right not to be arbitrarily detained or imprisoned;
- (d) the right on arrest or detention
  - (i) to be informed promptly of the reason for the arrest or detention,
  - (ii) to be provided with the opportunity to retain and consult counsel without delay, and
  - (iii) to the remedy by way of habeas corpus for the determination of the validity of his or her detention and for release if the detention is not lawful;

- (e) the right as an accused person
  - (i) to be informed of the specific charge,
  - (ii) to be tried within a reasonable time,
  - (iii) to be presumed innocent until proven guilty in a fair and public hearing by an independent and impartial tribunal,
  - (iv) not to be denied reasonable bail without just cause having been established, and
  - (v) not to be found guilty on account of any act or omission that at the time of the act or omission did not constitute an offence;
- (f) the right not to be tried or punished more than once for an offence of which he or she has been finally convicted or acquitted;
- (g) the right to the benefit of the lesser punishment where the punishment for an offence of which he or she has been convicted has been varied between the time of commission and the time of conviction;
- (h) the right not to be subjected to any cruel or inhuman treatment or punishment;
- (i) the right not to give evidence before any court, tribunal, commission,

board or other authority, if unreasonably denied counsel or if denied protection against self-crimination or other constitutional safeguard;

(j) the right to the assistance of an interpreter in any proceedings before a court, tribunal, commission, board or other authority, if the party or witness does not understand or speak the language in which the proceedings are conducted; and

(k) the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his or her rights or obligations.

Justifiable  
derogation

(2) In time of serious public emergency, the existence of which is officially proclaimed through the invocation of the War Measures Act or by specific reference to this subsection, the rights mentioned in this section other than the right to life and those mentioned in subparagraphs (d) (ii) and (e) (v) and paragraphs (h), (i) and (j) may be derogated from to the extent strictly required by the circumstances of the emergency.

Idem

(3) Nothing in this section shall be interpreted as precluding the enactment of or rendering invalid a law that authorizes the holding of all or part of a proceeding in camera

in the interests of national security, public safety or order or morality, in the interest of the privacy of one or more of the parties or where, in the opinion of the tribunal, publicity would prejudice the interests of justice.

Non-discrimination Rights

Equality before the law and equal protection of the law

11. (1) Everyone has the right to equality before the law and to equal protection of the law without distinction or restriction other than any distinction or restriction provided by law that is fair and reasonable having regard to the object of the law.

Affirmative action programs

(2) Nothing in this section shall be interpreted as precluding the enactment of or rendering invalid any affirmative action program on behalf of disadvantaged persons or groups.

Mobility Rights

Rights of citizens

12. (1) Every citizen of Canada has the right to enter, remain in and leave Canada.

Rights of citizens and persons lawfully admitted for permanent residence

(2) Every citizen of Canada and every person who has been lawfully admitted to Canada for permanent residence and has not lost the status of a permanent resident has the right

(a) to move to and take up residence in any province or territory, and

(b) to pursue the gaining of a

livelihood in any province or territory without distinction based on province or territory of present or previous residence or domicile.

Justifiable  
limitations

(3) The rights declared by this section may be made subject only to such limitations as are reasonably justifiable in a free and democratic society in the interests of national security, public safety, order, health or morals or where there exist overriding economic or social considerations.

Property Rights

Property  
rights

13. (1) Everyone has the right to the use and enjoyment of property, individually or in association with others, and the right not to be deprived thereof except in accordance with law that is fair and just.

Justifiable  
limitations

(2) Nothing in this section shall be interpreted as precluding the enactment of or rendering invalid laws controlling or restricting the use of property in the public interest or securing against property the payment of taxes or other levies or penalties.

Idem

(3) The rights declared by this section may be made subject only to such limitations in addition to those referred to in subsection (2) as are reasonably justifiable in a free and democratic society in the interests of national security or public safety, order, health or morals.



CONFIDENTIAL

January 8, 1979.

PROPOSED CHANGES IN THE LANGUAGE AND GENERAL  
PROVISIONS OF THE CHARTER OF RIGHTS AND FREEDOMS  
AND IN SECTION 131

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PROPOSED NEW PROVISIONS

(f) Official Languages and Language Rights

13. The English and French languages are the official languages of Canada for all purposes declared by the Parliament of Canada or the legislature of any province, acting within the legislative authority of each respectively.

20. Nothing in sections 13 to 19 shall be held to limit the right of the Parliament of Canada or the legislature of a province, acting within the authority of each respectively pursuant to law, to provide for more extensive use of both the English and French languages; and nothing in those sections shall be held to derogate from or diminish any right, based on language, that is assured by virtue of section 9 or 10, or to derogate from or diminish any legal or customary right or privilege acquired or enjoyed either before or after the commencement of this Act with respect to any language that is not English or French.

14. (1) Any individual has the right to use English or French, as he or she may choose, in any of the debates or other proceedings of the Parliament of Canada.

(2) Any individual has the right to use English or French, as he or she may choose, in any of the debates or other proceedings of the legislative assembly of any province.

15. (1) The statutes and the records and journals of the Parliament of Canada shall be printed and published in English and French.

(2) The statutes and the records and journals of the legislatures of Ontario, Quebec and New Brunswick shall be printed and published in English and French, and all or any of the statutes and the records and journals of the legislature of any other province shall be printed and published in both of those languages or in either of them, accordingly as its legislature may prescribe.

Official Languages

14. (1) English and French are the official languages of Canada, having the status and protection set forth in this Charter.

(2) Nothing in this Charter limits the authority of Parliament or of the legislature of a province to extend the status, protection or use of the English and French languages.

Language Rights

15. (1) Everyone has the right to use English or French, as he or she may choose, in any of the debates or other proceedings of Parliament.

(2) Everyone has the right to use English or French, as he or she may choose, in the debates of the legislative assembly of any province.

16. (1) The statutes and the records and journals of Parliament shall be printed and published in English and French.

(2) The statutes and the records and journals of the legislatures of Quebec and New Brunswick shall be printed and published in English and French.

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(See 131(3)(b))

(3) Where the statutes of any legislative body described in subsection (1) or (2) are printed and published in English and French, both language versions thereof shall be equally authoritative.

16. (1) Either English or French may be used by any person in, or in any pleading or process in or issuing from, the Supreme Court of Canada or any court constituted by the Parliament of Canada.

(2) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of Ontario, Quebec or New Brunswick.

(3) The records and the journals of the legislature of Ontario, the statutes thereof enacted after such day as is fixed by the legislature and any revision or consolidation of the statutes thereof authorized to have effect after such day as is fixed by the legislature shall be printed and published in English and French

(4) The statutes and the records and journals of the legislature of each province not referred to in subsection (2) or (3) shall be printed and published in English and French to the extent practicable accordingly as the legislature of the province prescribes.

(5) Where the statutes any legislative body described in in any of subsections (1) to (4) are printed and published in English and French, both language versions are equally authoritative.

17. (1) Either English or French may be used by any person in, or in any pleading or process in or issuing from, the Supreme Court of Canada or any court constituted by Parliament.

(2) Either English or French may be used by any person in or in any pleading or process in or issuing from, any court of Ontario, Quebec or New Brunswick as soon as is practicable accordingly as the legislature of each such province respectively prescribes and, in any event, within five years after the time at which this Charter extends to matters coming within the legislative authority of each such province.

(3) Either English or French may be used by any person in or in any pleading or process in or issuing from, any court of a province not referred to in subsection (2), to the greatest extent possible accordingly as the legislature of the province prescribes.

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- (3) In proceedings in any court in Canada
  - in which, in a criminal matter, the court is exercising any criminal jurisdiction conferred on it by or pursuant to an Act of the Parliament of Canada, or
  - in which, in a matter relating to an offence for which an individual charged with that offence is subject to be imprisoned if he or she is convicted thereof, the court is exercising any jurisdiction conferred on it by or pursuant to an Act of the legislature of any province,

any individual giving evidence before the court has the right to be heard in English or French, as he or she may choose, and in being so heard, not to be placed at a disadvantage by not being heard, or being unable to be heard, in the other of those languages.

17. Nothing in section 16 shall be held to preclude the application, to or in respect of proceedings in any court described in subsection 16(2), or to or in respect of any proceedings described in subsection 16(3), of such rules for regulating the procedure in any such proceedings, including rules respecting the giving of notice, as may be prescribed by any competent body or authority in that behalf pursuant to law for the effectual execution and working of the provisions of either of those subsections.

19. (1) Any member of the public in Canada has the right to use English or French, as he or she may choose, in communicating with the head or central office of any department or agency of the executive government of and over Canada, or of any judicial, quasi-judicial or administrative body or Crown corporation established by or pursuant to a law of Canada, wherever that office is located, or in communicating with any other principal office of any such institution where that office is located within an area of Canada in which it is determined, in such manner as may be prescribed or authorized by the Parliament of Canada, that a substantial number of persons within the population use that language.

(2) Any member of the public in any province has the right to use English or French, as he or she may choose, in communicating with any principal office of a department or agency of the executive government of that province, or of a judicial, quasi-judicial or administrative body or Crown corporation established by or pursuant to a law of that province, where that office is located within an area of that province in which it is determined, in such manner as may be prescribed or authorized by the legislature of that province, that a substantial number of persons within the population use that language.

- (4) In proceedings in any court in Canada relating to an offence

- (a) created by or pursuant to an Act of Parliament, or
- (b) created by or pursuant to an act of the legislature of a province if the punishment for the offence may be imprisonment,

any person giving evidence before the court has the right to be heard in English or French, as he or she may choose, through the services of an interpreter where necessary, and the right not to be placed at a disadvantage in so being heard.

18. Nothing in section 17 precludes the application of such rules for regulating procedure as may be prescribed by any competent body or authority for the effectual execution and working of subsections 17(2), (3) and (4).

19. (1) Any member of the public in Canada has the right to communicate with and to receive services from any head or central office of an institution of government of Canada in English or French, as he or she may choose, and he or she has the same right with respect to any other principal office of any such institution where that office is located within an area of Canada in which it is determined, in such manner as may be prescribed or authorized by Parliament, that a substantial number of persons within the population use that language.

(2) Any member of the public in a province has the right to communicate with and to receive services from any head, central or other principal office of an institution of government of the province in English or French, as he or she may choose, to the extent to which and in the areas of the province in which it is determined, in such manner as may be prescribed or authorized by the legislature of the province, that

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the right should pertain having regard to the practicability and necessity of providing such services.

20. Nothing in sections 13 to 19 shall be held to limit the right of the Parliament of Canada or the legislature of a province, acting within the authority of each respectively pursuant to law, to provide for more extensive use of both the English and French languages; and nothing in those sections shall be held to derogate from or diminish any right, based on language, that is assured by virtue of section 9 or 10, or to derogate from or diminish any legal or customary right or privilege acquired or enjoyed either before or after the commencement of this Act with respect to any language that is not English or French.

20. Nothing in sections 14 to 19 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the commencement of this Act with respect to any language that is not English or French.

21. (1) Where the number of children in any area of a province in respect of whom notice has been given as contemplated by this section, warrants the provision of the facilities required to give effect to the right provided for by this section, any parent who is a citizen of Canada resident within that area and whose primarily spoken language is not that of the numerically larger of the groups comprising those persons resident in that province whose primarily spoken languages are either English or French, has the right to have his or her children receive their schooling in the language of basic instruction that is the primarily spoken language of the numerically smaller of those groups, in or by means of facilities that are provided in that area out of public funds and that are suitable and adequate for that purpose.

21. (1) Citizens of Canada resident in a province who are members of an English-speaking or French-speaking minority population of that province have a right to have their children receive their educational instruction in their minority language at the primary and secondary school level wherever the number of children of such citizens resident in an area of the province is sufficient to warrant the provision of minority language education facilities in that area out of public funds.

(2) The exercise by any parent of the right provided for by this section shall be subject to such reasonable requirements respecting the giving of notice by that parent of his or her intended exercise thereof as may be prescribed by the law of the province in which that parent resides.

(2) In each province, the legislature may enact such provisions as are reasonable in the circumstances relating to

(3) Nothing in this section shall be held to limit the authority of the legislature of any province to make such provisions as are reasonable for determining, either generally or in any particular case or classes of cases, whether or not the number of children in any area of that province in respect of whom notice has been given as contemplated by this section, warrants the provision of the facilities required to give effect to the right provided for by this section.

(a) the giving of notice by citizens of Canada resident in the province of their desire to exercise the minority language education right conferred by subsection (1) in respect of their children; and

(4) Nothing in this section shall be held to derogate from or diminish any legal or customary right or privilege acquired or enjoyed in any province either before or after the commencement of this Act to have any child

(b) the determination of whether or not the number of children of citizens of Canada resident in an area of the province who have given notice as provided is sufficient to warrant the provision of minority language education facilities in that area.

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receive his or her schooling in the language of basic instruction that is the primarily spoken language of the numerically larger of the groups referred to in subsection (1) within that province, or to limit any authority conferred or obligation imposed either before or after that time by the law of that province to require any child, during any period while that child is receiving his or her schooling in any language of basic instruction that is not that primarily spoken language, to be given instruction in the use of that primarily spoken language as part of his or her schooling in that province.

(5) The expression "parent" in this section includes a person standing in the place of a parent.

22. In furtherance of

- the appreciation by Canadians that the preservation of both English and French as the principal spoken languages of Canadians is vital to the prospering of the Canadian federation within the larger North American society, and
- the resolve of Canadians that none of the institutions of government of the Canadian federation, acting within the legislative authority of each individually pursuant to law, should act in such a manner as to affect adversely the preservation of either English or French as the language spoken or otherwise enjoyed by any group of individuals constituting an identifiable and substantial linguistic community in any area of Canada within its jurisdiction.

it is hereby proclaimed that no law made by any such institution after this Charter extends to matters within its legislative authority shall apply or have effect so as to affect adversely the preservation of either English or French as the language spoken or otherwise enjoyed by any such group of individuals.

26. Nothing in this Charter shall be held to abrogate, abridge or derogate from any right or freedom not declared by it that may have existed in Canada at the commencement of this Act, including, without limiting the generality of the foregoing, any right or freedom that may have been acquired by any of the native peoples of Canada by virtue of the Royal Proclamation of October 7, 1763.

(g) Generally Applicable Provisions

23. To the end that full effect may be given to the individual rights and freedoms declared by this Charter, it is hereby further proclaimed that, in Canada, no law shall apply or have effect so as to abrogate, abridge or derogate from any such right or freedom.

22. No law enacted by or under the authority of Parliament or a legislature of a province, after this Charter extends to matters within its legislative authority, applies or has effect so as to affect adversely the preservation of either English or French as the language spoken or otherwise enjoyed by any group of persons constituting an identifiable and substantial linguistic community in any area of Canada.

Undeclared Rights

23. Nothing in this Charter abrogates or derogates from any right or freedom not declared by it that may exist in Canada, including any right or freedom that may pertain to the native peoples of Canada.

General

24. To the end that the paramountcy of this Charter be recognized and that full effect be given to the rights and freedoms herein declared, any law and any administrative act that is inconsistent with any provision of

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the Charter is, except as specifically otherwise provided, inoperative and of no force or effect to the extent of the inconsistency.

24. Where no other remedy is available or provided for by law, any individual may, in accordance with the applicable procedure of any court in Canada of competent jurisdiction, request the court to define or enforce any of the individual rights and freedoms declared by this Charter, as they extend or apply to him or her, by means of a declaration of the court or by means of an injunction or similar relief, accordingly as the circumstances require.

25. Where no other effective recourse or remedy is available or provided for by law, anyone whose rights or freedoms as declared by this Charter have been infringed or denied to his or her detriment has the right to apply to a court of competent jurisdiction to obtain such relief or remedy as the court deems appropriate and just in the circumstances.

25. Nothing in this Charter shall be held to prevent such limitations on the exercise or enjoyment of any of the individual rights and freedoms declared by this Charter as are justifiable in a free and democratic society in the interests of public safety or health, the interests of the peace and security of the public, or the interests of the rights and freedoms of others, whether such limitations are imposed by law or by virtue of the construction or application of any law.

No equivalent

27. For greater certainty for the purposes of this Charter, the individual rights and freedoms declared by this Charter are those assured by or by virtue of sections 6 to 10, 14, 16, 19 and 21.

No equivalent

28. A reference in any of sections 10 to 22 to a province or to the legislative assembly or legislature of a province shall be construed as including a reference to the Yukon Territory or the Northwest Territories or to the Council or Commissioner in Council thereof, as the case may be.

26. A reference in any of sections 7 to 9 and 14 to 22 to a province or to the legislative assembly or legislature of a province shall be construed as including a reference to the Yukon Territory or the Northwest Territories or to the Council or Commissioner in Council thereof, as the case may be.

29. Nothing in this Charter shall be held to confer any legislative authority on any competent body or authority in that behalf in Canada, except as expressly contemplated by this Charter.

27. Nothing in this Charter confers any legislative authority on any competent body or authority in that behalf in Canada, except as expressly contemplated by this Charter.

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18. Nothing in sections 14 to 17 shall be held to abrogate, abridge or derogate from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada.

131. (1) Until such time as this subsection is repealed by subsection (4), the provisions of the Canadian Charter of Rights and Freedoms as enacted by this Act shall be read and construed as extending only to matters coming within the legislative authority of the Parliament of Canada, except as otherwise provided by the legislature of any province acting under the authority conferred on it by the Constitution of Canada.

(2) In order that effect may be given as soon as may be to the extension of the Charter referred to in subsection (1) to matters coming within the legislative authority of the legislatures of all the provinces equally as to matters coming within the legislative authority of the Parliament of Canada, as part of the Constitution of Canada, it is hereby declared and directed that, on and after the commencement of this Act and by virtue of its enactment by the Parliament of Canada, both Houses of the Parliament of Canada shall be deemed to have approved of a resolution for the amendment of the Constitution of Canada in the form and to the effect of the Charter referred to in subsection (1), which resolution may be taken up and dealt with by action as on a joint address or by proclamation, as the case may be, as and when it may lawfully be so taken up and dealt with in accordance with the procedure for such amendment then recognized by accepted usage, if there is then no procedure for that purpose expressly provided for by the Constitution of Canada, or in accordance with the procedure for that purpose expressly so provided for, if there is then such a procedure.

131. (1) Nothing in sections 15 to 18 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada.

(2) Until such time as this subsection is repealed by subsection (4), the provisions of the Canadian Charter of Rights and Freedoms, in this section referred to as the "Charter", shall be read and construed as extending only to matters coming within the legislative authority of Parliament, except as otherwise provided by the legislature of any province acting under the authority conferred on it by the Constitution of Canada.

(3) In order that effect may be given as soon as may be to the extension of the Charter to matters coming within the legislative authority of the legislatures of all the provinces equally as to matters coming within the legislative authority of Parliament as part of the Constitution of Canada, it is hereby declared and directed that, on and after the commencement of this Act and by virtue of its enactment by Parliament, both Houses of Parliament shall be deemed to have approved of a resolution for the amendment of the Constitution of Canada in the form and to the effect of the Charter and, subject to subsection (7), for the repeal of

(a) sections 55 to 57 of the Act of 1867 respecting the reservation of assent to Bills, the disallowance of Acts and the signification of pleasure on Bills reserved, as those sections extended and were applicable immediately before the commencement of this Act to the legislatures of the several provinces by virtue of and in the manner provided in section 9 of the Act of 1867,

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(b) sections 85 and 86 of the Act of 1867, section 90 thereof in so far as it relates to the matters provided for in paragraph (a), and section 133 thereof, and

(c) section 23 of the Manitoba Act, 1870

which resolution may be taken up and dealt with by action as on a joint address or by proclamation, as the case may be, as and when it may lawfully be so taken up and dealt with in accordance with the procedure for such amendment then recognized by accepted usage or expressly provided for by the Constitution of Canada.

(4) At such time as the resolution deemed by subsection (2) to have been approved by both Houses of the Parliament of Canada has been taken up and dealt with as provided in that subsection and any further action required by law to give effect thereto has been taken.

(a) subsection (1) of this section is repealed;

(b) sections 20, 50, 55 to 57, 85 and 86 of the Act of 1867 are repealed;

(c) sections 55 to 57 of the Act of 1867 respecting the reservation of assent to Bills, the disallowance of Acts and the signification of pleasure on Bills reserved, as those sections extended and were applicable immediately before the commencement of this Act to the legislature of the several provinces by virtue of and in the manner provided in section 90 of the Act of 1867, cease to extend and apply thereto, and section 90 is repealed in so far as it relates to the matters provided for in this paragraph, and

(d) section 133 of the Act of 1867 and section 23 of the Manitoba Act, 1870 are repealed.

(4) At such time as the resolution deemed by subsection (3) to have been approved by both Houses of Parliament has been taken up and dealt with as provided in that subsection and any further action required by law to give effect thereto has been taken,

(a) subsections (1) and (2) are repealed; and

(b) sections 20, 50 and 55 to 57 of the Act of 1867 are repealed.

(5) The legislature of any province, acting within the authority conferred on it by the Constitution of Canada, may at any time provide that the Charter extends to matters coming within its legislative authority

(a) without qualification; or

(b) with the following qualification only: "Section 24 of the Canadian Charter of Rights and Freedoms does not apply in respect of the rights declared by sections 10 and 11 thereof where it is expressly declared by an Act of the Legislature that such Act or a specified provision or provisions thereof operate and



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(3) From and after such time as it is provided by the legislature of any province, acting within the authority conferred on it by the Constitution of Canada, that the provisions of the *Canadian Charter of Rights and Freedoms* as enacted by this Act extend to matters coming within its legislative authority.

(a) the provisions of the Act of 1867 respecting the reservation of assent to Bills, the disallowance of Acts and the signification of pleasure on Bills reserved, as those provisions extend and are made applicable to the legislatures of the several provinces by virtue of and in the manner provided in section 90 of the Act of 1867, shall cease to extend and be applicable to the legislature of that province as if they were here repealed or made inapplicable in terms to that province and its legislature; and

(b) where that province is Ontario, subsection 15(2) of this Act shall not apply so as to require the printing and publishing in English and French of any statutes of, or any revision or consolidation of statutes authorized by, the legislature of that province except any such statutes enacted after, or any such revision or consolidation authorized to have effect after, such day or days as that legislature shall have fixed therefor.

have force and effect notwithstanding the provisions of the Canadian Charter of Rights and Freedoms."

(6) From and after such time as it is provided by the legislature of any province, acting within the authority conferred on it by the Constitution of Canada, that the provisions of the Charter extend to matters coming within its legislative authority, either without qualification or with the qualification referred to in subsection (5), subject to subsection (7), the provisions of the Act of 1867 respecting the reservation of assent to Bills, the disallowance of Acts and the signification of pleasure on Bills reserved, as those provisions extend and are made applicable to the legislatures of the several provinces by virtue of and in the manner provided in section 90 of the Act of 1867, shall cease to extend and be applicable to the legislature of that province as if they were here repealed or made inapplicable in terms to that province and its legislature.

(7) Notwithstanding subsections (3) and (6), where the legislature of a province has provided that the Charter extends to matters coming within its legislative authority with the qualification referred to in subsection (5), the provisions of the Act of 1867 respecting the reservation of assent to Bills, the disallowance of Acts and the signification of pleasure on Bills reserved, as those provisions extend and are made applicable to the legislatures of the several provinces by virtue of and in the manner provided in section 90 of the Act of 1867, continue to extend and be applicable in respect of provisions enacted by the legislature of that province to the effect that any Act of the legislature of the province or any provision or provisions thereof operate and have force and effect notwithstanding the provisions of the Canadian Charter of Rights and Freedoms.

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(5) Notwithstanding anything in subsection (1), for the purposes of that subsection the legislative authority of the Parliament of Canada shall be deemed not to extend to the Yukon Territory or the Northwest Territories in relation to any matter provided for in sections 13 to 21 of the *Canadian Charter of Rights and Freedoms* that would not, if those territories were provinces of Canada, come within the legislative authority of Parliament, and in relation to any such matter the reference in subsection (1) to the legislature of any province acting under the authority conferred on it by the Constitution of Canada shall be read as extending to the Commissioner in Council of any territory of Canada acting within the authority which is hereby conferred on the Commissioner in Council by the Parliament of Canada.

(8) Notwithstanding subsection (2), for the purposes of that subsection the legislative authority of Parliament shall be deemed not to extend to the Yukon Territory or the Northwest Territories in relation to any matter provided for in sections 14 to 21 of the Charter that would not, if those territories were provinces, come within the legislative authority of Parliament, and in relation to any such matter the reference in subsection (2) to the legislature of any province acting under the authority conferred on it by the Constitution of Canada shall be read as extending to the Commissioner in Council of any territory of Canada acting within the authority which is hereby conferred on the Commissioner in Council by Parliament.