

Rec'd Feb. 5/82.

FEDERAL-PROVINCIAL RELATIONS OFFICE
BUREAU DES RELATIONS FEDERALES-PROVINCIALES

CONTROL FORM - PRIME MINISTER'S CORRESPONDANCE
FORMULE DE CONTROLE - CORRESPONDANCE DU PREMIER MINISTRE

To/A

cc:

Correspondence No.:
No. de la correspondance:

Date received - FPRO:
Date de réception - BRFP:

RE:

2033 035

FEBRUARY 3, 1982

SUBJ:

Name/Nom

Date



Government of Canada
Gouvernement du Canada

ACTION FICHE DE
REQUEST SERVICE

To - A

James Ross Hurley

File No. - Dossier N°

Date
Feb 10, 1982

From - De

Stuart MacKinnon

<input type="checkbox"/> Please call Prrière d'appeler	Tel. No. - N° de tél	Ext. - Poste
<input type="checkbox"/> Returned your call Vous a rappelé	<input type="checkbox"/> Will call again Vous rappellera	<input type="checkbox"/> Wants to see you Désire vous voir
Date	Time - Heure	Message received by Message reçu par
<input type="checkbox"/> Action Donner suite	<input type="checkbox"/> Approval Approbation	<input type="checkbox"/> Note & return Noter et retourner
<input type="checkbox"/> Comments Commentaires	<input type="checkbox"/> Draft reply Projet de réponse	<input type="checkbox"/> Note & forward Noter et faire suivre
<input type="checkbox"/> As requested Comme demandé	<input type="checkbox"/> Signature	<input type="checkbox"/> Note & file Noter et classer

In my view your acknowledgement is sufficient. Do you agree?

c.c. Fred Jordan
Eddie Goldenberg
Circulation

7540-21-868-3907

GC 12E

ford

January 27, 1982

ameron

RG BR File D. Handling

FEBRUARY 17, 1982

REMARQUES

ire:

CONTRÔLE
REG.
O.F. - D.A.
T.U. - U.D.
T.U. - U.D.
C.F. - D.
FILE -

CONFIDENTIAL



Government of Canada

Gouvernement du Canada

ACTION FICHE DE REQUEST SERVICE

To — A

James Ross Hurley

File No — Dossier N°

Date

Feb 10, 1982

From — De

Stuart MacKinnon

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In my view your acknowledgement is sufficient. Do you agree?

c.c. Fred Jordan
Eddie Goldenberg ✓
Circulation

Andree

Pls. file this document for me.
you can put it under Redford.

Rec'd Feb. 5/82.

FEDERAL-PROVINCIAL RELATIONS OFFICE
BUREAU DES RELATIONS FEDERALES-PROVINCIALES

CONTROL FORM - PRIME MINISTER'S CORRESPONDANCE
FORMULE DE CONTROLE - CORRESPONDANCE DU PREMIER MINISTRE

Correspondence No.:
No. de la correspondance:

2033 035

Date received - FPRO:
Date de réception - BRFP:

FEBRUARY 3, 1982

Name/Nom

Date

From: A. Brian Peckford
De:

January 27, 1982

Subject: Constitution
Sujet:

'Agent Responsable': D. Cameron

c.c. MK AN BL PD RG BR File D. Handling

Projected date of reply: FEBRUARY 17, 1982
Date limite de réponse:

REMARKS - REMARQUES

No reply required:
Aucune réponse nécessaire:

Referred to:
Transmis à:

Delay foreseen:
Délai prévu:

ag. rep. D. Cameron
cc - B. Little

PRIVY COUNCIL OFFICE - BUREAU DU CONSEIL PRIVÉ
CONTROL FORM - PRIME MINISTER'S CORRESPONDENCE
FORMULAIRE DE CONTRÔLE - CORRESPONDANCE DU PREMIER MINISTRE

To/A: Mrs. D. Bouchard

cc: Messrs. Pitfield, Dewar, Darling, Ablett, our file

RE: LETTER FROM/LETTRE DE: A. Brian Peckford

DATE: January 27, 1982

SUBJECT/SUJET: Constitution

CORRESPONDENCE NO/NO DE LA CORRESPONDANCE: 2033 035

Received / Reçu
FEB 3 1982
B. R. F. P. PPRO
Information Services
Service d'information

Doug Handling
DATE: February 2, 1982

- REPLY PREPARED FOR THE PRIME MINISTER'S SIGNATURE.
RÉPONSE PRÉPARÉE POUR LA SIGNATURE DU PREMIER MINISTRE.
- REPLY PREPARED FOR PATRICK McDONALD'S SIGNATURE AND FORWARDED THROUGH DOUG HANDLING.
RÉPONSE PRÉPARÉE POUR LA SIGNATURE DE PATRICK McDONALD, TRANSMISE PAR DOUG HANDLING.
- REFERRED TO ANOTHER MINISTER THROUGH DOUG HANDLING TO PATRICK McDONALD.
RÉFÉRÉ À UN MINISTRE PAR DOUG HANDLING À PATRICK McDONALD.
- NO FURTHER ACTION REQUIRED. COPY RETAINED IN PCO FOR INFORMATION AND ORIGINAL RETURNED TO DOUG HANDLING.
AUCUNE RÉPONSE NÉCESSAIRE. UNE COPIE EST CONSERVÉE AU BCP À TITRE D'INFORMATION. L'ORIGINAL RETOURNE À DOUG HANDLING.

ADDITIONAL REMARKS/OBSERVATIONS ADDITIONNELLES:



2033 035

THE PREMIER

THE GOVERNMENT OF THE PROVINCE
OF NEWFOUNDLAND AND LABRADOR

*advance copy sent
to Dr. M. Kirby*

1982 01 27

Right Honourable P.E. Trudeau
Prime Minister of Canada
House of Commons
Ottawa, Ontario

ORIGINAL TO *M. Pitfield (30)*
ORIGINAL ENVOYE A *J. Fairbairn*
C.C. PMO FILE *cc: J. Fairbairn*
C.C. DOSSIERS CPM *cc: J. Fairbairn*
cc: H. Fox
cc: S. Senechal
cc: P. McDavid
cc: N. Fournier

My dear Prime Minister:

Please find attached a copy of the set of relevant documents that I collected at last November's successful Constitutional Conference. It is my intention to make the set public, but as a courtesy I felt I might send you a copy with this covering letter.

Included in this set is a paper from British Columbia, which, while circulated among certain Premiers and discussed between yourself and Premiers Bennett, Lougheed and Buchanan on the afternoon of Tuesday, November 3, 1981, was never formally tabled at the First Ministers Conference. As well, there is the Saskatchewan proposal that was tabled at midmorning on Wednesday, November 4, 1981. As well, please find attached a copy of a proposal tabled by New Brunswick on the matter of the Charter of Rights.

I should point out that by late Wednesday morning I had the disquieting feeling that the meetings and documents up to that time were falling short of the various degrees of compromise required on the different issues to effect a general consensus. However, I had also developed by that time a feeling that individually, the vast majority of the First Ministers were expressing such willingness to compromise that there had to be a consensus in there somewhere. Out of these musings I drafted the one page "Draft Compromise" hereto attached about midday on Wednesday. In consultation with my

REC'D. / REÇU
FEB 2 1982
Coordination

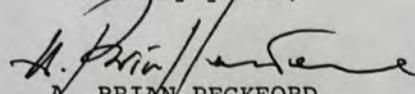
delegation, I expanded that one piece of paper into a couple of pages with more detail, and members of my delegation began to circulate that document (the second in the set attached) among various other delegations after supper on Wednesday, November 4, 1981. Progress was made by members of my delegation, and about midnight they requested I join a group at a suite in the Chateau Laurier. Thus I joined a late night meeting of officials and three Premiers, namely Blakeney, Buchanan and MacLean. The net result of Wednesday night's work was the document entitled: "Constitutional Proposal submitted by Government of Newfoundland..." (third in the attachment), which I presented to the full First Ministers Conference on the morning of Thursday, November 5, 1981. What developed from my document was, of course, the Constitutional Accord, signed by ten of the eleven Governments, about midday on Thursday, November 5, 1981.

Prime Minister, although I did not share all of your views on the Constitutional issue, I did share your intensity of feeling about the importance of it. As the fateful conference wore on, I was, as I stated earlier, alarmed at the lack of consensus arising out of the abundance of expressed desires to compromise. I was pleased and honoured to hear your kind remarks to me at the close of the Conference. I was proud to have been able to synthesize a consensus. It could not have been done, however, without the desire for compromise expressed by yourself and all but one of the Premiers.

In conclusion, therefore, I hope that these few words and attachments will be of use and/or interest to you. Canada, I'm sure, is much the better for the events described above.

I remain,

Sincerely yours,



A. BRIAN PECKFORD
PREMIER

cc - Provincial Premiers



Office of the Prime Minister / Cabinet du Premier Ministre

PMO CODING FORM - CPM FORMULE DE CODE
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ADDRESS-LINE 1 - ADRESSE-LIGNE 1 / ADDRESS-LINE 2 - ADRESSE-LIGNE 2

05 OFFICE OF THE PREMIER

CITY - VILLE / PROVINCE / POSTAL CODE - POSTALE / COUNTRY - PAYS

06 ST. JOHN'S MELBANS ST.

FILE NUMBER - NO DE DOSSIER

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WRITER / RÉDACTEUR / SUBJECT - SUJET / TONE / TON

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SIG. APPROVAL / APPROB.

CONTROL - CONTRÔLE

1 REG.
2 O.F. - D.A.
3 T.U. - U.D.
4 T.U. - U.D.
5 C.F. - D.F.
6 FILE - DOSSIER

PLEASE DO NOT DETACH THESE FORMS - PRIÈRE DE NE PAS DÉTACHER CE FORMULAIRE

February 2, 1982.

Mr. Desmond Sullivan,
Executive Assistant to
The Honourable Brian Peckford,
Premier of Newfoundland,
8th Floor,
Confederation Building,
St. John's, Newfoundland.
ALC 5T7

Dear Mr. Sullivan:

On behalf of the Prime Minister, I wish to acknowledge receipt of Premier Brian Peckford's letter of January 27 and the enclosed documents.

Please assure him that the correspondence and material will be brought to Mr. Trudeau's attention.

Yours sincerely,

Original signed by
Original signé par

Patrick McDonald,
Correspondence Coordinator.

→ Original to M. Pitfield, P.C.O.

c.c. J. Fairbairn, P.M.O.
- T. Axworthy, P.M.O.
- M.-H. Fox, P.M.O.
- N. Sénécal, P.M.O.
- P. McDonald, P.M.O.
- N. Fournier, P.M.O.

PM/lc

DRAFT COMPROMISE

1. ACCEPTANCE OF THE EIGHT PROVINCES' ACCORD.
2. ACCEPTANCE OF THE FULL CHARTER WITH TWO AMENDMENTS -
 - (A) THOSE PROVINCES WHICH AGREE WITH MINORITY LANGUAGE EDUCATION AGREE NOW. ANY PROVINCE WHICH DISAGREES WITH THIS CAN OPT OUT BUT MUST HOLD A REFERENDUM ON THE ISSUE IN THAT PROVINCE. REFERENDUM DECISION WILL BIND THAT PROVINCE.
 - (B) AN AMENDMENT TO MOBILITY RIGHTS TO PERMIT A PROVINCE TO PURSUE AFFIRMATIVE ACTION PROGRAMS FOR JOB CREATION FOR ITS CITIZENS UNTIL THAT PROVINCE'S UNEMPLOYMENT RATE WAS NO GREATER THAN THE NATIONAL AVERAGE.

November 5, 1981.

In an effort to reach an acceptable consensus on the constitutional issue which meets the concerns of the Federal Government and a substantial number of Provinces, we submit the following proposal:

(1) Patriation

(2) Amending Formula

- Acceptance of the April Accord Amending Formula with the deletion of Section 3 which provides for fiscal compensation to a Province which opts out of a constitutional amendment.
- This change would mean that a Province opting out would have to bear the financial consequences of its act.
- The Delegation of Legislative Authority from the April Accord is deleted.

(3) Charter of Rights & Freedoms

- The entrenchment of the full Charter of Rights and Freedoms now before Parliament with the following changes:

- (a) With respect to Mobility Rights the inclusion of the right of a province to undertake affirmative action programs for socially and economically disadvantaged individuals as long as a province's unemployment rate was above the National average.
- (b) Non obstante clause covering sections dealing with Fundamental Freedoms, Legal Rights and Equality Rights. This would make it possible for Parliament or a Legislature to override these provisions of the Charter in certain specified circumstances.
- (c) We have agreed that the provisions of Section 23 in respect of Minority Language Education Rights will apply to our Provinces. Any Province not agreeing to be bound by this Section continues to have the right to accept the application of the Section to their Province at any future time.
- (4) The provisions of the Act now before Parliament relating to Equalization and Regional Disparities, and Non Renewable Natural Resources, Forestry Resources and Electrical Energy would be included.

COMPROMISE ON FUNDAMENTAL FREEDOMS

HAVE NON OBSTANTE CLAUSE APPLY FOR 5 YEARS
WITH THE PROVISIO THAT AFTER THAT TIME AN OBJECTIVE
GROUP WILL REVIEW WHETHER IT IS APPROPRIATE FOR IT
TO CONTINUE TO APPLY AND MAKE RECOMMENDATIONS TO THE
FIRST MINISTERS.

CONSTITUTIONAL PROPOSAL

SUBMITTED BY THE

GOVERNMENT OF NEWFOUNDLAND

AT THE

FIRST MINISTERS CONFERENCE

OTTAWA

NOVEMBER 2-5, 1981

THE GOVERNMENT OF NEWFOUNDLAND, IN AN EFFORT TO REACH AN ACCEPTABLE CONSENSUS ON THE CONSTITUTIONAL ISSUE WHICH MEET THE CONCERNS OF THE FEDERAL GOVERNMENT AND A SUBSTANTIAL NUMBER OF PROVINCES, SUBMITS THE FOLLOWING PROPOSAL:

(1) PATRIATION

(2) AMENDING FORMULA

- ACCEPTANCE OF THE APRIL ACCORD AMENDING FORMULA WITH THE DELETION OF SECTION 3 WHICH PROVIDES FOR FISCAL COMPENSATION TO A PROVINCE WHICH OPTS OUT OF A CONSTITUTIONAL AMENDMENT.

- THIS CHANGE WOULD MEAN THAT A PROVINCE OPTING OUT WOULD HAVE TO BEAR THE FINANCIAL CONSEQUENCES OF ITS ACT.

(3) CHARTER OF RIGHTS & FREEDOMS

- THE ENTRENCHMENT OF THE FULL CHARTER OF RIGHTS AND FREEDOMS NOW BEFORE PARLIAMENT WITH THE FOLLOWING CHANGES:

(A) WITH RESPECT TO MOBILITY RIGHTS THE INCLUSION OF THE RIGHT OF A PROVINCE TO UNDERTAKE AFFIRMATIVE ACTION PROGRAMS FOR SOCIALLY AND ECONOMICALLY

DISADVANTAGED INDIVIDUALS AS LONG AS A PROVINCE'S UNEMPLOYMENT RATE WAS ABOVE THE NATIONAL AVERAGE.

- (B) NON OBSTANTE CLAUSE COVERING SECTIONS DEALING WITH LEGAL RIGHTS AND EQUALITY RIGHTS. THIS WOULD MAKE IT POSSIBLE FOR PARLIAMENT OR A LEGISLATURE TO OVERRIDE THESE PROVISIONS OF THE CHARTER IN CERTAIN SPECIFIED CIRCUMSTANCES.

- (C) WITH RESPECT TO MINORITY LANGUAGE EDUCATIONAL RIGHTS A PROCEDURE WOULD BE ADOPTED WHEREBY THE SECTION WOULD COME INTO FORCE IN ANY PROVINCE WHOSE LEGISLATURE ADOPTED THE PROPOSAL. IF WITHIN TWO YEARS A LEGISLATURE HAD NOT ADOPTED THE SECTION A BINDING REFERENDUM WOULD BE HELD IN THAT PROVINCE TO DETERMINE THE ISSUE. THE NEWFOUNDLAND GOVERNMENT WOULD INTRODUCE IN THE HOUSE OF ASSEMBLY THE NECESSARY RESOLUTION TO ADOPT THESE PROVISIONS OF THE CHARTER WITH RESPECT TO NEWFOUNDLAND.

- (4) THE PROVISIONS OF THE ACT NOW BEFORE PARLIAMENT
RELATING TO EQUALIZATION AND REGIONAL DISPARITIES,
THE RIGHTS OF THE ABORIGINAL PEOPLES, NON RENEWABLE
NATURAL RESOURCES, FORESTRY RESOURCES AND ELECTRICAL
ENERGY WOULD BE INCLUDED.

DOCUMENT: 800-15/004
CONFIDENTIAL

FEDERAL-PROVINCIAL CONFERENCE
OF
FIRST MINISTERS ON THE CONSTITUTION

New Brunswick Proposal concerning
The Charter of Rights

New Brunswick

Ottawa
November 1981

NEW BRUNSWICK PROPOSAL CONCERNING THE CHARTER OF RIGHTS

New Brunswick suggests that the proposed resolution be altered so that only certain provisions of the Charter would come into force immediately. These include:

Guarantee of Rights and Freedoms	(section 1)
Fundamental Freedoms	(section 2)
Democratic Rights	(sections 3 - 5)
→ Mobility Rights	(section 6)
→ Official Languages of Canada	(sections 16 - 22)
→ Minority Language Educational Rights	(section 23)
General	(sections 25, 26, 29, 30, 31)

The remaining provisions of the Charter of Rights would be enacted, but would not come into force for three years. These include:

*of provisions
referred to
in the
proposal*

Legal Rights	(sections 7 - 14)
Equality Rights	(section 15)
Enforcement	(section 24)
General	(sections 27, 28)

This concept of deferred application for three years presently exists in the Charter, but applies only to section 15.

During this three-year period these deferred provisions would be placed on the agenda of the Constitutional Conferences to be convened annually to deal with these and other matters. At the end of this period six provinces acting together could prevent the coming into force of any provision by depositing resolutions of their legislative assemblies with the Clerk of the Privy Council

2...

opposing the coming into force of the provision. Such resolutions could be adopted at any time after two years had elapsed from the coming into force of the other provisions of the Act. The two-year restriction is designed to ensure at least two years of open discussion prior to a commitment being made by a legislative assembly, during which a consensus on the scope of the Charter might be reached and amendments secured, if necessary.

SASKATCHEWAN PROPOSAL

Explanatory Notes

The Saskatchewan draft incorporates the following features:

1. Patriation of the Constitution of Canada.
2. A general amending formula under which constitutional changes must be approved by Parliament and by seven [eight] provinces.
3. A list of matters requiring unanimity for constitutional amendments.
4. A further list of matters which can only be altered with the consent of the province or provinces directly affected by the proposed change.
5. A Charter of Rights under which fundamental freedom, democratic rights, mobility rights and official language provisions are entrenched immediately.
6. The immediate entrenchment of legal rights and equality rights applying to the federal level, with a provision allowing for provincial opting in.
7. A constitutional commitment to provide minority language education.
8. The recognition of aboriginal rights.
9. A commitment to the principle of equalization.
10. The clarification of provincial jurisdiction over natural resources.

This proposal is advanced in the hope that the requirement of provincial consensus, as confirmed by the Supreme Court of Canada, will be met.

I. Amendment Formula

It has become apparent that the governments of Canada have virtually irreconcilable views about the essential elements of an amending formula. The common denominators seem to be the need to treat provinces equally while allowing the vital interests of the various provinces to be protected.

This formula provides that the consent of seven [eight] provinces is required for general amendments. It does not give any single province a veto. This satisfies the goal of provincial equality.

The formula also provides for a list of matters requiring unanimous consent of Parliament and the provinces. In addition, it contains a second list of matters requiring the consent of individual provinces in specified cases. These provisions satisfy the goal of protecting special provincial interests.

II. Charter of Rights

Saskatchewan has always resisted the sweeping transfer of broad areas of social policy from the elected legislatures to the appointed courts. This is the result of an entrenched Charter of Rights. However, in the interests of compromise, Saskatchewan could accept a Charter which is more limited than that proposed by the federal government.

We have said in the past that it makes good sense to entrench democratic rights. Canadians have the right to be assured that the basic rules of democratic government cannot be easily altered by those in power.

We see the fundamental rights section as a portion of the proposed Charter that some other governments feel strongly should be entrenched even though we would favour a different approach to protecting these rights.

The official language provisions reflect one of the particular characteristics of Canada and are a vital part of the original Confederation bargain.

We have slightly modified the terms of the federal Resolution relating to Mobility Rights. These changes remove ambiguities and should lessen concern about undue infringement of provincial powers.

In respect of Legal Rights and Equality Rights we have adopted the federal government's policy of June 1978 in Bill C-60. The federal proposal at that time allowed provinces to opt in to the Charter of Rights.

Because the application of Legal Rights and Equality Rights are likely to have the greatest impact on the provinces, it is appropriate that these rights should be subject to an opt-in provision.

III. Minority Language Education

The proposal contains a constitutional commitment by provincial governments to minority language education. The entrenchment of the principle of providing minority language education clearly enhances the commitment made by all Premiers in Montreal in 1978. And at the same time it recognizes that it is the responsibility of the provinces, not the courts, to implement this undertaking.

While Saskatchewan has always stated it could accept the federal proposal as part of "the Confederation bargain", this idea is advanced in the hope of achieving a greater consensus.

IV. Aboriginal Rights

It is proposed that the provision contained in the Federal Resolution form part of the patriation package. It appears that the Indian and native groups of Canada are not fully satisfied with this part of the Resolution and their doubts about its meaning and effect can be understood. However the claims of Indian and native peoples will be an important subject in future constitutional discussions and refinement of this provision is to be expected.

V. Equalization

The system of equalization payments is one of the success stories of post-war federal-provincial relations in Canada. It has grown to be one of the central features of Canadian federalism and it is appropriate that the principle of equalization be included in the constitution.

VI. Resources

The sections in the federal Resolution dealing with resources were added in recognition of their importance to Western Canada. For the Western provinces, the ability to manage and tax resources is a key part of the Confederation bargain. It is imperative, therefore, that this proposal for constitutional change include the clarification and confirmation of provincial jurisdiction over resources.

The proposed wording does not fully answer these concerns but it represents an important first step.

VII. Summary

In summary, this draft proposal attempts to incorporate the most acceptable elements of the proposals which have been actively considered: an amending formula which treats provinces equally, but protects the special or important rights of all provinces; a Charter which entrenches the particular Canadian confederation bargain, as well as those rights of a democratic and fundamental nature, but leaves open other rights for appropriate provincial legislative action -- something suggested by the federal government itself just three years ago. Finally, it draws from the federal Resolution the proposals on aboriginal rights, equalization and resources.

S 251

CANADA ACT

An act respecting the Constitution of Canada

Whereas Canada has requested and consented to the enactment of an Act of the Parliament of the United Kingdom to give effect to the provisions hereinafter set forth and the Senate and the House of Commons of Canada in Parliament assembled have submitted an address to Her Majesty requesting that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for that purpose.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Constitution Act, 1981
enacted

1. The Constitution Act, 1981 set out in Schedule B to this Act is hereby enacted for and shall have the force of law in Canada and shall come into force as provided in that Act.

Termination of power to legislate for Canada

2. No Act of the Parliament of the United Kingdom passed after the coming into force of the Constitution Act, 1981 under section 52 of that Act shall extend to Canada as part of its law.

French version

3. So far as it is not contained in Schedule B, the French version of this Act is set out in Schedule A to this Act and has the same authority in Canada as the English version thereof.

Short title

4. This Act may be cited as the Canada Act.

[Schedule A to the Canada Act is the French version of that Act.]

SCHEDULE B

CONSTITUTION ACT, 1981

PART I

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

Rights and freedoms in Canada

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

Fundamental freedoms

2. Everyone has the following fundamental freedoms:
- (a) freedom of conscience and religion;
 - (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
 - (c) freedom of peaceful assembly; and
 - (d) freedom of association.

Democratic Rights

Democratic rights of citizens

3. Every citizen of Canada has 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.

Maximum duration of legislative bodies

4. (1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members.

Continuation in special circumstances (2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years 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 legislative bodies 5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

Mobility Rights

Mobility of citizens 6. (1) Every citizen of Canada has the right to enter, remain in and leave Canada.

Right to move and gain livelihood (2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right

(a) to move to and take up residence in any province and to pursue the gaining of a livelihood in that province.

Limitation (3) The right specified in subsection (2) is subject to

(a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and

(b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.

Legal Rights

Life, liberty
and security
of person

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Search or
seizure

8. Everyone has the right to be secure against unreasonable search or seizure.

Detention or
imprisonment

9. Everyone has the right not to be arbitrarily detained or imprisoned.

Arrest or
detention

10. Everyone has the right on arrest or detention

(a) to be informed promptly of the reasons therefor;

(b) to retain and instruct counsel without delay and to be informed of that right; and

(c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

Proceedings in
criminal and
penal matters

11. Any person charged with an offence has the right

(a) to be informed without unreasonable delay of the specific offence;

(b) to be tried within a reasonable time;

(c) not to be compelled to be a witness in proceedings against that person in respect of the offence;

(d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;

(e) not to be denied reasonable bail without just cause;

(f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;

(g) not to be found guilty on account of any act or omission unless, at the time of the act or omission,

it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;

(h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and

(i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

Treatment or punishment

12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Self-crimination

13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

Interpreter

14. A party or witness who testifies in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Equality Rights

Equality before and under law and equal protection and benefit of law 15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular,

without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Affirmative
action
programs

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Official Language of Canada

Official
languages
of Canada

16. (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

Official
languages
of New
Brunswick

(2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick.

Advancement
of status
and use

(3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French.

Proceedings
of
Parliament

17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.

Proceedings
of New
Brunswick
legislature

(2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

Parliamentary
statutes
and
records

18. (1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.

New
Brunswick
statutes
and
records

(2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.

Proceedings
in courts
established
by
Parliament

19. (1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament.

Proceedings
in New
Brunswick
courts

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

Communica-
tions by
public
with
federal
institutions

20. (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where

(a) there is a significant demand for communications with and services from that office in such language;
or

(b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

Communications
by public with
New Brunswick
institutions

(2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

Continuation
of existing
constitutional
provisions

21. Nothing in sections 16 to 20 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.

Rights and
privileges
preserved

22. Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

Enforcement

Enforcement
of
guaranteed
rights and
freedoms

23. (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Exclusion of
evidence
bringing
administra-
tion of
justice to
disrepute

(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

General

Aboriginal
rights
and freedoms
not affected
by
Charter

24. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and

(b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement.

Other rights
and freedoms
not affected
by Charter

25. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

Multi-cultural heritage

26. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

Rights guaranteed equally to both sexes

27. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Rights respecting certain schools preserved

28. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

Application to territories and territorial authorities

29. A reference in this Charter to a province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be.

Legislative powers not extended

30. Nothing in this Charter extends the legislative powers of any body or authority.

Application of Charter

Application of Charter

31. (1) This Charter applies
- (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and
 - (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

Exception

- (2) Notwithstanding subsection (1), section 15 shall not have effect until the expiration of the three year period that commences on the day fixed under section 52.

Citation

itation

32. This Part may be cited as the Canadian Charter of Rights and Freedoms.

PART II

MINORITY LANGUAGE EDUCATION

language of instruction

33. Without altering the legislative authority of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, the legislatures of the provinces, together with the governments of the provinces, are committed to the principle that citizens of Canada whose first language learned and still understood is that of the English or French linguistic minority of the province in which they reside are entitled to have their children receive, where numbers so warrant, primary and secondary school instruction in that language in that province.

PART III

RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA

Recognition of aboriginal and treaty rights

34 (1) The aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

Definition of "aboriginal peoples of Canada"

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

PART IV

EQUALIZATION AND REGIONAL DISPARITIES

Commitment to promote equal opportunities

35. (1) Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial governments, are committed to

(a) promoting equal opportunities for the well-being of Canadians;

(b) furthering economic development to reduce disparity in opportunities; and

(c) providing essential public services of reasonable quality to all Canadians.

Commitment
respecting
public
services

(2) Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation.

PART V

PROCEDURE FOR AMENDING CONSTITUTION OF CANADA

General
procedure

36. An amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and resolutions of the legislative assemblies of at least seven (OR) (eight) of the provinces.

Matters
requiring
unanimity

37. An amendment to the Constitution of Canada in relation to any of the following matters may be made only by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and resolutions of the legislative assembly of each province:

(a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;

(b) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province is entitled, at the time this provision comes into force, to be represented in the Senate;

(c) the legislative powers, proprietary rights or any other rights or privileges of a province or of the legislature or government of a province in respect of natural resources or the assets or property belonging to a province;

- (d) the creation of a new province or any matter attendant on the creation of a new province;
- (e) any of the provisions of this Part;
- (f) any other provision in the Constitution of Canada for making an amendment to the Constitution.

Amendment of certain provisions.

38. An amendment to the Constitution of Canada in relation to:

- (a) any provision that applies, or the inclusion in the Constitution of Canada of a provision that will apply, to one or more, but not all, provinces, including, without restricting the generality of the foregoing, any such provision as contained in:
 - (i) section 133 of the Constitution Act, 1867;
 - (ii) the Alberta Act;
 - (iii) the Saskatchewan Act;
 - (iv) the Constitution Act, 1930;
 - (v) the Newfoundland Act; or
- (b) the use of the English or French language in a province; or
- (c) notwithstanding section 43
 - (i) adding a province as a province named in subsection 16(2), 17(2), 18(2), 19(2) or 20(2), or
 - (ii) otherwise providing for any or all of the rights guaranteed or obligations imposed by any of those subsections to have application in a province to the extent and under the conditions stated in the amendment,

may be made only by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies.

Amendments
without
resolution
of Senate

39. An amendment to the Constitution of Canada may be made by proclamation under section 36, 37, or 38 without a resolution of the Senate authorizing the issue of the proclamation if, within ninety days after the passage by the House of Commons of a resolution authorizing its issue, the Senate has not passed such a resolution and if, at any time after the expiration of those ninety days, the House of Commons again passes the resolution, but any period when Parliament is prorogued or dissolved shall not be counted in computing those ninety days.

Initiation of
procedures

40. (1) The procedures for amendment prescribed by section 36, 37 or 38 may be initiated by the Senate or House of Commons or by the legislative assembly of a province.

Revocation of
resolution

(2) A resolution made for the purposes of this Part may be revoked at any time before the issue of the proclamation authorized by it.

Amendments by
Parliament

41. Subject to sections 37 and 43, Parliament may exclusively make laws in relation to the amendment of the Constitution of Canada in respect of the executive government of Canada or the Senate or House of Commons.

Amendments by
provincial
legislatures

42. Subject to sections 37 and 43, in each province the legislature may exclusively make laws in relation to the amendment of the constitution of the province.

Matters requiring
amendment under
general
procedure

43. An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with the procedure prescribed by section 36:

- (a) the Canadian Charter of Rights and Freedoms;
- (b) the commitments relating to minority language education set out in Part II;
- (c) the rights of the aboriginal peoples of Canada set out in Part III;
- (d) the commitments relating to equalization and regional disparities set out in Part IV;
- (e) the powers of the Senate;
- (f) the number of members by which a province is entitled to be represented in the Senate;

(g) the method of selecting Senators and the residence qualification of Senators; and

(h) the principles of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada.

Limitation on use of amendment procedure

44. (1) The procedures prescribed by section 36, 37 or 38 do not apply to an amendment to the Constitution of Canada where there is another provision in the Constitution for making the amendment, but the procedures prescribed by section 37 shall, nevertheless, be used to amend any provision for amending the Constitution, including this section.

Idem

(2) The procedures prescribed by section 36 or 37 do not apply in respect of an amendment referred to in section 38.

Idem

(3) The procedures prescribed in section 36 or 38 do not apply in respect of an amendment referred to in section 37.

PART VI

AMENDMENT TO THE CONSTITUTION ACT, 1867

Amendment to Constitution Act, 1867

45. The Constitution Act, 1867 (formerly named the British North America Act, 1867) is amended by adding thereto, immediately after section 92 thereof, the following heading and section:

"Non-Renewable Natural Resources, Forestry Resources and Electrical Energy

Laws respecting non-renewable natural resources, forestry resources and electrical energy

92A. (1) In each province, the legislature may exclusively makes laws in relation to

(a) exploration for non-renewable natural resources in the province;

(b) development, conservation and management of non-renewable natural resources and forestry resources in the province, including laws in relation to the rate of primary production therefrom; and

(c) development, conservation and management of sites and facilities in the province for the generation and production of electrical energy.

Export
from
provinces
of
resources

(2) In each province, the legislature may make laws in relation to the export from the province to another part of Canada of the primary production from non-renewable natural resources and forestry resources in the province and the production from facilities in the province for the generation of electrical energy, but such laws may not authorize or provide for discrimination in price or in supplies exported to another part of Canada.

Authority of
Parliament

(3) Nothing in subsection (2) derogates from the authority of Parliament to enact laws in relation to the matters referred to in that subsection and, where such a law of Parliament and a law of a province conflict, the law of Parliament prevails to the extent of the conflict.

Taxation of
resources

(4) In each province, the legislature may make laws in relation to the raising of money by any mode or system of taxation in respect of

(a) non-renewable natural resources and forestry resources in the province and the primary production therefrom, and

(b) sites and facilities in the province for the generation of electrical energy and the production therefrom,

whether or not such production is exported in whole or in part from the province, but such laws may not authorize or provide for taxation that differentiates between production exported to another part of Canada and production not exported from the province.

"Primary
production"

(5) the expression "primary production" has the meaning assigned by the Sixth Schedule.

Existing
powers
or rights

(6) Nothing in subsections (1) to (5) derogates from any powers or rights that a legislature or government of a province had immediately before the coming into force of this section."

Idem

46. The said Act is further amended by adding thereto the following Schedule:

"THE SIXTH SCHEDULE

Primary Production from Non-Renewable
Natural Resources and Forestry Resources

1. For the purposes of section 92A of this Act,
 - (a) production from a non-renewable natural resource is primary production therefrom if
 - (i) it is in the form in which it exists upon its recovery or severance from its natural state, or
 - (ii) it is a product resulting from processing or refining the resource, and is not a manufactured product or a product resulting from refining crude oil, refining upgraded heavy crude oil, refining gases or liquids derived from coal or refining a synthetic equivalent of crude oil; and
 - (b) production from a forestry resource is primary production therefrom if it consists of sawlogs, poles, lumber, wood chips, sawdust or any other primary wood product, or wood pulp, and is not a product manufactured from wood."

PART VII

GENERAL

Primacy
of Constitution
of Canada 47. (1) The Constitution of Canada is the supreme
law of Canada, and any law that is inconsistent with
the provisions of the Constitution is, to the extent
of the inconsistency, of no force or effect.

Constitution
of Canada (2) The Constitution of Canada includes
(a) The Canada Act;
(b) The Acts and orders referred to in Schedule
I; and
(c) any amendment to any Act or order referred to
in paragraph (a) or (b).

Amendments to
Constitution
of Canada (3) Amendments to the Constitution of Canada
shall be made only in accordance with the authority
contained in the Constitution of Canada.

Repeals
and new
names 48. (1) The enactments referred to in Column I of
Schedule I are hereby repealed or amended to the extent
indicated in Column II thereof and, unless repealed,
shall continue as law in Canada under the names set
out in Column III thereof.

Consequential
amendments (2) Every enactment, except the Canada Act, that
refers to an enactment referred to in Schedule I by the
name in Column I thereof is hereby amended by substituting
for that name the corresponding name in Column III thereof,
and any British North America Act not referred to in
Schedule I may be cited as the Constitution Act followed
by the year and number, if any, of its enactment.

French
version of
Constitution
of Canada

49. A French version of the portions of the Constitution of Canada referred to in Schedule I shall be prepared by the Minister of Justice of Canada as expeditiously as possible and, when any portion thereof sufficient to warrant action being taken has been so prepared, it shall be put forward for enactment by proclamation issued by the Governor General under the Great Seal of Canada pursuant to the procedure then applicable to an amendment of the same provisions of the Constitution of Canada.

English and
French
versions
of certain
constitutional
texts

50. Where any portion of the Constitution of Canada has been or is enacted in English and French or where a French version of any portion of the Constitution is enacted pursuant to section 49, the English and French version of that portion of the Constitution are equally authoritative.

English and
French
versions of
this Act

51. The English and French versions of this Act are equally authoritative.

Commence-
ment

52. Subject to sections 53 and 54, this Act shall come into force on a day to be fixed by proclamation issued by the Governor General under the Great Seal of Canada.

Application of
certain
provisions
of Charter to
a province

53. (1) The whole of the following provisions of the Canadian Charter of Rights and Freedoms, that is to say sections 7 to 14 and subsection 23(2), shall come into force in and for a province and apply in accordance with section 31 to the legislature and government of the province on a day to be fixed by proclamation issued by the Governor General under the Great Seal of Canada only when so authorized by a resolution of the legislative assembly of that province to the effect of adopting those provisions.

Non-revocation
of resolution

(2) A resolution of the legislative assembly of a province to the effect of adopting the provisions referred to in subsection (1) under that subsection may not be revoked.

Application of
section 15 to
a province

54. (1) Subject to subsection (2), section 53 applies mutatis mutandis to the coming into force of section 15 in and for, and application to the legislature and government of a province.

Exception

(2) Section 15 shall not have effect, if so adopted for a province, before the expiration of the three year period that commences on the day fixed under section 52.

Short title
and citations

55. This Schedule may be cited as the Constitution Act, 1981, and the Constitution Acts 1867 to 1975 (No. 2) and this Act may be cited together as the Constitution Acts, 1867 to 1981.

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SCHEDULE I

to the
CONSTITUTION ACT, 1981
MODERNIZATION OF THE CONSTITUTION

Item	Column I Act Affected	Column II Amendment	Column III New Name
1.	British North America Act, 1867, 30-31 Vict., c. 3 (U.K.)	(1) Section 1 is repealed and the following substituted therefor: "1. This Act may be cited as the <i>Constitution Act, 1867.</i> " (2) Section 20 is repealed. (3) Class 1 of section 91 is repealed. (4) Class 1 of section 92 is repealed.	Constitution Act, 1867
2.	An Act to amend and continue the Act 32-33 Victoria chapter 3; and to establish and provide for the Government of the Province of Manitoba, 1870, 33 Vict., c. 3 (Can.)	(1) The long title is repealed and the following substituted therefor: " <i>Manitoba Act, 1870.</i> " (2) Section 20 is repealed.	Manitoba Act, 1870
3.	Order of Her Majesty in Council admitting Rupert's Land and the North-Western Territory into the union, dated the 23rd day of June, 1870		Rupert's Land and North-Western Territory Order
4.	Order of Her Majesty in Council admitting British Columbia into the Union, dated the 16th day of May, 1871.		British Columbia Terms of Union
5.	British North America Act, 1871, 34-35 Vict., c. 28 (U.K.)	Section 1 is repealed and the following substituted therefor: "1. This Act may be cited as the <i>Constitution Act, 1871.</i> "	Constitution Act, 1871
6.	Order of Her Majesty in Council admitting Prince Edward Island into the Union, dated the 26th day of June, 1873.		Prince Edward Island Terms of Union
7.	Parliament of Canada Act, 1875, 38-39 Vict., c. 35 (U.K.)		Parliament of Canada Act, 1875
8.	Order of Her Majesty in Council admitting all British possessions and Territories in North America and islands adjacent thereto into the Union, dated the 31st day of July, 1880.		Adjacent Territories Order

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SCHEDULE I

to the
CONSTITUTION ACT, 1981—Continued

Item	Column I Act Affected	Column II Amendment	Column III New Name
9.	British North America Act, 1886, 49-50 Vict., c. 35 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1886.</i> "	Constitution Act, 1886
10.	Canada (Ontario Boundary) Act, 1889, 52-53 Vict., c. 28 (U.K.)		Canada (Ontario Boundary) Act, 1889
11.	Canadian Speaker (Appointment of Deputy) Act, 1895, 2nd Sess., 59 Vict., c. 3 (U.K.)	The Act is repealed.	
12.	The Alberta Act, 1905, 4-5 Edw. VII, c. 3 (Can.)		Alberta Act
13.	The Saskatchewan Act, 1905, 4-5 Edw. VII, c. 42 (Can.)		Saskatchewan Act
14.	British North America Act, 1907, 7 Edw. VII, c. 11 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1907.</i> "	Constitution Act, 1907
15.	British North America Act, 1915, 5-6 Geo. V, c. 45 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1915.</i> "	Constitution Act, 1915
16.	British North America Act, 1930, 20-21 Geo. V, c. 26 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1930.</i> "	Constitution Act, 1930
17.	Statute of Westminster, 1931, 22 Geo. V, c. 4 (U.K.)	In so far as they apply to Canada, (a) section 4 is repealed; and (b) subsection 7(1) is repealed.	Statute of Westminster, 1931
18.	British North America Act, 1940, 3-4 Geo. VI, c. 36 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1940.</i> "	Constitution Act, 1940

SCHEDULE I
to the
CONSTITUTION ACT, 1981—Continued

Item	Column I Act Affected	Column II Amendment	Column III New Name
19.	British North America Act, 1943, 6-7 Geo. VI, c. 30 (U.K.)	The Act is repealed.	
20.	British North America Act, 1946, 9-10 Geo. VI, c. 63 (U.K.)	The Act is repealed.	
21.	British North America Act, 1949, 12-13 Geo. VI, c. 22 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Newfoundland Act</i> ."	Newfoundland Act
22.	British North America (No. 2) Act, 1949, 13 Geo. VI, c. 81 (U.K.)	The Act is repealed.	
23.	British North America Act, 1951, 14-15 Geo. VI, c. 32 (U.K.)	The Act is repealed.	
24.	British North America Act, 1952, 1 Eliz. II, c. 15 (Can.)	The Act is repealed.	
25.	British North America Act, 1960, 9 Eliz. II, c. 2 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1960</i> ."	Constitution Act, 1960
26.	British North America Act, 1964, 12-13 Eliz. II, c. 73 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1964</i> ."	Constitution Act, 1964
27.	British North America Act, 1965, 14 Eliz. II, c. 4, Part I (Can.)	Section 2 is repealed and the following substituted therefor: "2. This Part may be cited as the <i>Constitution Act, 1965</i> ."	Constitution Act, 1965

SCHEDULE I
to the
CONSTITUTION ACT, 1981—*Concluded*

Item	Column I Act Affected	Column II Amendment	Column III New Name
28.	British North America Act, 1974, 23 Eliz. II, c. 13, Part I (Can.)	Section 3, as amended by 25-26 Eliz. II, c. 28, s. 38(1) (Can.) is repealed and the follow- ing substituted therefor: "3. This Part may be cited as the <i>Constitution Act, 1974.</i> "	Constitution Act, 1974
29.	British North America Act, 1975, 23-24 Eliz. II, c. 28, Part I (Can.)	Section 3, as amended by 25-26 Eliz. II, c. 28, s. 31 (Can.) is repealed and the following sub- stituted therefor: "3. This Part may be cited as the <i>Constitution Act (No. 1), 1975.</i> "	Constitution Act (No. 1), 1975
30.	British North America Act (No. 2), 1975, 23-24 Eliz. II, c. 53 (Can.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act (No. 2), 1975.</i> "	Constitution Act (No. 2), 1975

CANADA ACT

An act to give effect to a request by the Senate and House of Commons of Canada

BC Ps. 101

Whereas Canada has requested and consented to the enactment of an Act of the Parliament of the United Kingdom to give effect to the provisions hereinafter set forth and the Senate and the House of Commons of Canada in Parliament assembled have submitted an address to Her Majesty requesting that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for that purpose.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Constitution Act, 1981
enacted

1. The Constitution Act, 1981 set out in Schedule B to this Act is hereby enacted for and shall have the force of law in Canada and shall come into force as provided in that Act.

Termination of power to legislate for Canada

2. No Act of the Parliament of the United Kingdom passed after the Constitution Act, 1981 comes into force shall extend to Canada as part of its law.

French version

3. So far as it is not contained in Schedule B, the French version of this Act is set out in Schedule A to this Act and has the same authority in Canada as the English version thereof.

Short title

4. This Act may be cited as the Canada Act [Schedule A to the Canada Act is the French version of that Act.]

SCHEDULE B

CONSTITUTION ACT, 1981

PART I

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

rights and freedoms in Canada

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

fundamental freedoms

2. Everyone has the following fundamental freedoms:
- (a) freedom of conscience and religion;
 - (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
 - (c) freedom of peaceful assembly; and
 - (d) freedom of association.

Democratic Rights

democratic rights of citizens

3. Every citizen of Canada has 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.

maximum duration of legislative bodies

4. (1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members.

Continuation in special circumstances (2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years 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 legislative bodies

5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

Mobility Rights

Mobility of citizens

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

Rights to move and gain livelihood

(2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right to move to and take up residence in any province and to pursue the gaining of a livelihood in that province.

Limitation

(3) The rights specified in subsection (2) are subject to

(a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and

(b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.

Legal Rights

Life, liberty and security of person

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of procedural fairness.

(1) any laws or practices of general application in a province which the average rate in that province is above the national average rate of

Search or seizure

8 . Everyone has the right to be secure against unreasonable search or seizure.

Detention or imprisonment

9 . Everyone has the right not to be arbitrarily detained or imprisoned.

Arrest or detention

10. Everyone has the right on arrest or detention
(a) to be informed promptly of the reasons therefor;
(b) to retain and instruct counsel without delay and to be informed of that right; and
(c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

Proceedings in criminal and penal matters

11. Any person charged with an offence has the right
(a) to be informed without unreasonable delay of the specific offence;
(b) to be tried within a reasonable time;
(c) not to be compelled to be a witness in proceedings against that person in respect of the offence;
(d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;
(e) not to be denied reasonable bail without just cause;
(f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;
(g) not to be found guilty on account of any act or omission unless, at the time of the act or omission,

it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;

(h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and

(i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

Treatment or punishment

12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Self-crimination

13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

Interpreter

14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Equality Rights

Equality before and under law and equal protection and benefit of law

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular,

without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Affirmative
action
programs

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Official Language of Canada

Official
languages
of Canada

16. (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

Official
languages
of New
Brunswick

(2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick.

Advancement
of status
and use

(3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French.

Proceedings
of
Parliament

17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.

Proceedings
of New
Brunswick
legislature

(2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

Parliamentary
statutes
and
records

18. (1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.

New
Brunswick
statutes
and
records

(2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.

Proceedings
in courts
established
by
Parliament

19. (1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament.

Proceedings
in New
Brunswick
courts

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

Communica-
tions by
public
with
federal
institutions

20. (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where

(a) there is a significant demand for communications with and services from that office in such language; or

(b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

Communica-
tions by
public
with New
Brunswick
institutions

(2) Any member of the public in New Brunswick has the right to communicate with and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French.

Continuation
of existing
constitutional
provisions

21. Nothing in sections 16 to 20 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.

Rights and
privileges
preserved

22. Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

Minority Language Educational Rights

Language
Instruction

23. (1) Citizens of Canada

(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or

(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

Continuity
of
language
instruction

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

Application
here
numbers
warrant

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and

(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

Enforcement

enforcement
of
guaranteed
rights and
freedoms

24. (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

General

Aboriginal
rights
and freedoms
not affected
by
Charter

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and

(b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claim settlement.

Other rights and freedoms not affected by Charter

25. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

Multi-cultural heritage

27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

Rights guaranteed equally to both sexes

28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Rights respecting certain schools preserved

29. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

Application to territories and territorial authorities

30. A reference in this Charter to a province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be.

Legislative powers not extended

31. Nothing in this Charter extends the legislative powers of any body or authority.

Application of Charter

Application
of Charter

32. (1) This Charter applies.
- (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and
 - (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

Exception

- (2) Notwithstanding subsection (1), section 15 shall not have effect until the expiration of the three year period that commences on the day fixed under section 51.

Non obstante

- 2 and
32A. Sections 7 to 15 of this Part shall not apply to an Act of the Parliament of Canada or the legislature of a province which specifically provides that any or all of these sections does not apply thereto.

Citation

Citation

33. This part may be cited as the Canadian Charter of Rights and Freedoms.

PART 11

EQUALIZATION AND REGIONAL DISPARITIES

Commitment to
promote equal
opportunities

34. (1) Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial governments, are committed to

- (a) promoting equal opportunities for the well-being of Canadians;
- (b) furthering economic development to reduce disparity in opportunities; and
- (c) providing essential public services of reasonable quality to all Canadians.

(2) Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation.

PART II

PROCEDURE FOR AMENDING THE
CONSTITUTION OF CANADA.

- 35 (1) Amendments to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada when so authorized by:
- (a) resolutions of the Senate and House of Commons; and
 - (b) resolutions of the Legislative Assemblies of at least two-thirds of the provinces that have in the aggregate, according to the latest decennial census, at least fifty per cent of the population of all of the provinces
- (2) Any amendment made under subsection (1) derogating from the legislative powers, the proprietary rights or any other rights or privileges of the Legislature or government of a province shall require a resolution supported by a vote of a majority of the Members of each of the Senate, of the House of Commons, and of the requisite number of Legislative Assemblies.
- (3) Any amendment made under subsection (1) derogating from the legislative powers, the proprietary rights, or any other rights or privileges of the Legislature or government of a Province shall not have effect in any province whose Legislative Assembly has expressed its dissent thereto by resolution supported by a majority of the Members prior to the issue of the proclamation, provided, however, that Legislative Assembly, by resolution supported by a majority of the Members, may subsequently withdraw its dissent and approve the amendment.

36. (1) No proclamation shall issue under section 35 before the expiry of one year from the date of the passage of the resolution initiating the amendment procedure, unless the legislative assembly of every province has previously adopted a resolution of assent or dissent.

(2) No proclamation shall issue under section 35 after the expiry of three years from the date of the passage of the resolution initiating the amendment procedure.

(3) Subject to this section, the Government of Canada shall advise the Governor General to issue a proclamation forthwith upon the passage of the requisite resolutions under this Part.

37. Amendments to the Constitution of Canada in relation to any provision that applies to one or more, but not all, of the provinces, including any alteration to boundaries between provinces or the use of the English or the French language within the province may be made only by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and the legislative assembly of every province to which the amendment applies.

38 (1) Notwithstanding sections 37, 43 and 44, an amendment to the Constitution of Canada

(a) adding a province as a province named in subsection 16 (2), 17 (2), 18 (2), 19 (2) or 20 (2), or

(b) otherwise providing for any or all of the rights guaranteed or obligations imposed by any of those subsections to have application in a province to the extent and under the conditions stated in the amendment, may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and the legislative assembly of the province to which the amendment applies.

(2) The procedure for amendment prescribed by subsection (1) may be initiated only by the legislative assembly of the province to which the amendment applies.

39. An amendment to the Constitution of Canada may be made without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the passage by the House of Commons of a resolution authorizing its issue, the Senate has not passed such a resolution and if, after the expiration of those one hundred and eighty days, the House of Commons again passes the resolution, but any period when Parliament is dissolved shall not be counted in computing the one hundred and eighty days.

40 (1) Subject to subsection 38(2), procedures for amendment may be initiated by the Senate or House of Commons or by the legislative assembly of a province.

(2) A resolution authorizing an amendment may be revoked at any time before the issue of a proclamation.

(3) A resolution of dissent may be revoked at any time before or after the issue of a proclamation.

(4) A resolution of dissent relating to an amendment revokes a resolution authorizing the amendment.

(5) A resolution authorizing an amendment revokes a resolution of dissent relating to the amendment.

41. Subject to sections 43 and 44, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

42. Subject to section 43, the legislature of each province may exclusively make laws amending the constitution of the province.

New

*In order to
make it clear
that an opt out
equals a dissent.*

43. Amendments to the Constitution of Canada in relation to the following matters may be made only by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and of the legislative assemblies of all the provinces:

- (a) the office of the Queen, of the Governor General and of the Lieutenant Governor of a province;
- (b) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province is entitled to be represented at the time this provision comes into force;
- (c) subject to sections 37 and 38, the use of the English or French language;
- (d) the composition of the Supreme Court of Canada;
- (e) an amendment to any provision under which the Constitution of Canada may be amended.

44. Amendments to the Constitution of Canada in relation to the following matters shall be made in accordance with the provisions of subsection 35 (1) of this Part and subsections 35 (2) and 35 (3) shall not apply:

- (a) the principle of proportionate representation of the provinces in the House of Commons;
- (b) the powers of the Senate and the method of selection of members thereof;
- (c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;
- (d) the Supreme Court of Canada, except with respect to clause (d) of section 42;
- (e) the extension of existing provinces into the Territories;
- (f) notwithstanding any other law or practice, the establishment of new provinces;
- (g) an amendment to any of the provisions of Part III;
- (h) the rights and freedoms of persons included or to be included in the Canadian Charter of Rights and Freedoms.

La Sank "add in" now taken out

PART IV

DELEGATION OF LEGISLATIVE AUTHORITY

45. Notwithstanding anything in the Constitution of Canada, Parliament may make laws in relation to a matter coming within the legislative jurisdiction of a province, if prior to the enactment the Legislature of at least one province has consented to the operation of such a statute in that province.
46. A statute passed pursuant to section 45 shall not have effect in any province unless the Legislature of that province has consented to its operation.
47. The Legislature of a province may make laws in the province in relation to a matter coming within the legislative jurisdiction of Parliament, if, prior to the enactment, Parliament has consented to the enactment of such a statute by the Legislature of that province.
48. A consent given under this Part may relate to a specific statute or to all laws in relation to a particular matter.
49. A consent given under this Part may be revoked upon giving two years' notice, and
- (a) if the consent was given under section 45, any law made by Parliament to which the consent relates shall thereupon cease to have effect in the province revoking the consent, but the revocation of the consent does not affect the operation of that law in any other province;
 - (b) if the consent was given under section 47, any law made by the Legislature of a province to which the consent relates shall thereupon cease to have effect.

PART V

AMENDMENT TO THE CONSTITUTION ACT, 1867

Amendment to
Constitution
Act, 1867

5D. The Constitution Act, 1867 (formerly named the British North America Act, 1867) is amended by adding thereto, immediately after section 92 thereof, the following heading and section:

"Non-Renewable Natural Resources, Forestry
Resources and Electrical Energy

Laws
respecting
non-renewable
natural
resources,
forestry
resources
and
electrical
energy

92A. (1) In each province, the legislature may exclusively makes laws in relation to

- (a) exploration for non-renewable natural resources in the province;
- (b) development, conservation and management of non-renewable natural resources and forestry resources in the province, including laws in relation to the rate of primary production therefrom; and
- (c) development, conservation and management of sites and facilities in the province for the generation and production of electrical energy.

Export
from
provinces
of
resources

(2) In each province, the legislature may make laws in relation to the export from the province to another part of Canada of the primary production from non-renewable natural resources and forestry resources in the province and the production from facilities in the province for the generation of electrical energy, but such laws may not authorize or provide for discrimination in prices or in supplies exported to another part of Canada.

Authority
of
Parliament

(3) Nothing in subsection (2) derogates from the authority of Parliament to enact laws in relation to the matters referred to in that subsection and, where such a law of Parliament and a law of a province conflict, the law of Parliament prevails to the extent of the conflict.

Taxation
of
resources

(4) In each province, the legislature may make laws in relation to the raising of money by any mode or system of taxation in respect of

(a) non-renewable natural resources and forestry resources in the province and the primary production therefrom, and

(b) sites and facilities in the province for the generation of electrical energy and the production therefrom,

whether or not such production is exported in whole or in part from the province, but such laws may not authorize or provide for taxation that differentiates between production exported to another part of Canada and production not exported from the province.

Primary
production"

(5) The expression "primary production" has the meaning assigned by the Sixth Schedule.

Existing
powers
or rights

(6) Nothing in subsections (1) to (5) derogates from any powers or rights that a legislature or government of a province had immediately before the coming into force of this section."

Idem

54. The said Act is further amended by adding thereto the following Schedule:

"THE SIXTH SCHEDULE

Primary Production from Non-Renewable
Natural Resources and Forestry Resources

1. For the purposes of section 92A of this Act,
 - (a) production from a non-renewable natural resource is primary production therefrom if
 - (i) it is in the form in which it exists upon its recovery or severance from its natural state, or
 - (ii) it is a product resulting from processing or refining the resource, and is not a manufactured product or a product resulting from refining crude oil, refining upgraded heavy crude oil, refining gases or liquids derived from coal or refining a synthetic equivalent of crude oil; and
 - (b) production from a forestry resource is primary production therefrom if it consists of sawlogs, poles, lumber, wood chips, sawdust or any other primary wood product, or wood pulp, and is not a product manufactured from wood."

PART VI
GENERAL

Primacy
of Constitution
of Canada

52. (1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

Constitution
of Canada

- (2) The Constitution of Canada includes
- (a) The Canada Act;
 - (b) The Acts and orders referred to in Schedule I; and
 - (c) any amendment to any Act or order referred to in paragraph (a) or (b).

Amendments to
Constitution
of Canada

(3) Amendments to the Constitution of Canada shall be made only in accordance with the authority contained in the Constitution of Canada.

Repeals
and new
names

53. (1) The enactments referred to in Column I of Schedule I are hereby repealed or amended to the extent indicated in Column II thereof and, unless repealed, shall continue as law in Canada under the names set out in Column III thereof.

Consequential
amendments

(2) Every enactment, except the Canada Act, that refers to an enactment referred to in Schedule I by the name in Column I thereof is hereby amended by substituting for that name the corresponding name in Column III thereof, and any British North America Act not referred to in Schedule I may be cited as the Constitution Act followed by the year and number, if any, of its enactment.

French
version of
Constitution
of Canada

54. A French version of the portions of the Constitution of Canada referred to in Schedule I shall be prepared by the Minister of Justice of Canada as expeditiously as possible and, when any portion thereof sufficient to warrant action being taken has been so prepared, it shall be put forward for enactment by proclamation issued by the Governor General under the Great Seal of Canada pursuant to the procedure then applicable to an amendment of the same provisions of the Constitution of Canada.

English and
French
versions
of certain
constitutional
texts

55. Where any portion of the Constitution of Canada has been or is enacted in English and French or where a French version of any portion of the Constitution is enacted pursuant to section 54, the English and French versions of that portion of the Constitution are equally authoritative.

English and
French
versions of
this Act

56. The English and French versions of this Act are equally authoritative.

Commence-
ment

57. This Act shall come into force on a day to be fixed by proclamation issued by the Governor General under the Great Seal of Canada.

Short
title and
citations

58. This Schedule may be cited as the Constitution Act, 1981, and the Constitution Acts 1867 to 1975 (No. 2) and this Act may be cited together as the Constitution Acts, 1867 to 1981.

SCHEDULE I
to the
CONSTITUTION ACT, 1981
MODERNIZATION OF THE CONSTITUTION

Item	Column I Act Affected	Column II Amendment	Column III New Name
1.	British North America Act, 1867, 30-31 Vict., c. 3 (U.K.)	(1) Section 1 is repealed and the following substituted therefor: "1. This Act may be cited as the <i>Constitution Act, 1867.</i> " (2) Section 20 is repealed. (3) Class 1 of section 92 is repealed.	Constitution Act, 1867
2.	An Act to amend and continue the Act 22-33 Victoria chapter 3; and to establish and provide for the Gov- ernment of the Province of Manito- ba, 1870, 33 Vict., c. 3 (Can.)	(1) The long title is repealed and the following substituted therefor: " <i>Manitoba Act, 1870.</i> " (2) Section 20 is repealed.	Manitoba Act, 1870
3.	Order of Her Majesty in Council admitting Rupert's Land and the North-Western Territory into the union, dated the 23rd day of June, 1870		Rupert's Land and North-West- ern Territory Order
4.	Order of Her Majesty in Council admitting British Columbia into the Union, dated the 16th day of May, 1871.		British Columbia Terms of Union
5.	British North America Act, 1871, 34-35 Vict., c. 28 (U.K.)	Section 1 is repealed and the following substituted therefor: "1. This Act may be cited as the <i>Constitution Act, 1871.</i> "	Constitution Act, 1871
6.	Order of Her Majesty in Council admitting Prince Edward Island into the Union, dated the 26th day of June, 1873.		Prince Edward Island Terms of Union
7.	Parliament of Canada Act, 1875, 38-39 Vict., c. 38 (U.K.)		Parliament of Canada Act, 1875
8.	Order of Her Majesty in Council admitting all British possessions and Territories in North America and islands adjacent thereto into the Union, dated the 31st day of July, 1880.		Adjacent Territories Order

SCHEDULE I
to the
CONSTITUTION ACT, 1981—Continued

Item	Column I Act Affected	Column II Amendment	Column III New Name
9.	British North America Act, 1886, 49-50 Vict., c. 35 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1886.</i> "	Constitution Act, 1886
10.	Canada (Ontario Boundary) Act, 1889, 52-53 Vict., c. 28 (U.K.)		Canada (Ontario Boundary) Act, 1889
11.	Canadian Speaker (Appointment of Deputy) Act, 1895, 2nd Sess., 59 Vict., c. 3 (U.K.)	The Act is repealed.	
12.	The Alberta Act, 1905, 4-5 Edw. VII, c. 3 (Can.)		Alberta Act
13.	The Saskatchewan Act, 1905, 4-5 Edw. VII, c. 42 (Can.)		Saskatchewan Act
14.	British North America Act, 1907, 7 Edw. VII, c. 11 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1907.</i> "	Constitution Act, 1907
15.	British North America Act, 1915, 5-6 Geo. V, c. 45 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1915.</i> "	Constitution Act, 1915
16.	British North America Act, 1930, 20-21 Geo. V, c. 26 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1930.</i> "	Constitution Act, 1930
17.	Statute of Westminster, 1931, 22 Geo. V, c. 4 (U.K.)	In so far as they apply to Canada, (a) section 4 is repealed; and (b) subsection 7(1) is repealed.	Statute of Westminster, 1931
18.	British North America Act, 1940, 3-4 Geo. VI, c. 36 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1940.</i> "	Constitution Act, 1940

SCHEDULE I
to the
CONSTITUTION ACT, 1981—Continued

Item	Column I Act Affected	Column II Amendment	Column III New Name
19.	British North America Act, 1943, 6-7 Geo. VI, c. 30 (U.K.)	The Act is repealed.	
20.	British North America Act, 1946, 9-10 Geo. VI, c. 63 (U.K.)	The Act is repealed.	
21.	British North America Act, 1949, 12-13 Geo. VI, c. 22 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Newfoundland Act</i> ."	Newfoundland Act
22.	British North America (No. 2) Act, 1949, 13 Geo. VI, c. 81 (U.K.)	The Act is repealed.	
23.	British North America Act, 1951, 14-15 Geo. VI, c. 32 (U.K.)	The Act is repealed.	
24.	British North America Act, 1952, 1 Eliz. II, c. 15 (Can.)	The Act is repealed.	
25.	British North America Act, 1960, 9 Eliz. II, c. 2 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1960</i> ."	Constitution Act, 1960
26.	British North America Act, 1964, 12-13 Eliz. II, c. 75 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1964</i> ."	Constitution Act, 1964
27.	British North America Act, 1965, 14 Eliz. II, c. 4, Part I (Can.)	Section 2 is repealed and the following substituted therefor: "2. This Part may be cited as the <i>Constitution Act, 1965</i> ."	Constitution Act, 1965

SCHEDULE I
to the
CONSTITUTION ACT, 1981—*Concluded*

Item	Column I Act Affected	Column II Amendment	Column III New Name
28.	British North America Act, 1974, 23 Eliz. II, c. 13, Part I (Can.)	Section 3, as amended by 25-26 Eliz. II, c. 28, s. 38(1) (Can.) is repealed and the follow- ing substituted therefor: "3. This Part may be cited as the <i>Constitution Act, 1974</i> ."	Constitution Act, 1974
29.	British North America Act, 1975, 23-24 Eliz. II, c. 28, Part I (Can.)	Section 3, as amended by 25-26 Eliz. II, c. 28, s. 31 (Can.) is repealed and the following sub- stituted therefor: "3. This Part may be cited as the <i>Constitution Act (No. 1), 1975</i> ."	Constitution Act (No. 1), 1975
30.	British North America Act (No. 2), 1975, 23-24 Eliz. II, c. 53 (Can.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act (No. 2), 1975</i> ."	Constitution Act (No. 2), 1975

November 5, 1981

Le 5 novembre 1981

In an effort to reach an acceptable consensus on the constitutional issue which meets the concerns of the federal government and a substantial number of provincial governments, the undersigned governments have agreed to the following:

- (1) Patriation
- (2) Amending Formula:
 - Acceptance of the April Accord Amending Formula with the deletion of Section 3 which provides for fiscal compensation to a province which opts out of a constitutional amendment.
 - The Delegation of Legislative Authority from the April Accord is deleted.
- (3) Charter of Rights and Freedoms:
 - The entrenchment of the full Charter of Rights and Freedoms now before Parliament with the following changes:
 - (a) With respect to Mobility Rights the inclusion of the right of a province to undertake affirmative action programs for socially and economically disadvantaged individuals as long as a province's employment rate was below the National average.
 - (b) A "notwithstanding" clause covering sections dealing with Fundamental Freedoms, Legal Rights and Equality Rights. Each "notwithstanding" provision would require reenactment not less frequently than once every five years.
 - (c) We have agreed that the provisions of Section 23 in respect of Minority Language Education Rights will apply to our provinces.

Dans un effort pour en arriver à un consensus acceptable sur la question constitutionnelle qui satisfasse les préoccupations du gouvernement fédéral et d'un nombre important de gouvernements provinciaux, les soussignés se sont entendus sur les points suivants:

- (1) Le rapatriement de la Constitution
- (2) La formule d'amendement
 - La formule d'amendement proposée dans l'Accord d'avril a été acceptée en supprimant l'article 3, qui prévoit une compensation fiscale à une province qui se retire d'un amendement constitutionnel.
 - La délégation de pouvoirs législatifs prévue dans l'Accord d'avril est supprimée.
- (3) La Charte des droits et libertés
 - La Charte complète des droits et libertés soumise au Parlement sera inscrite dans la Constitution avec les modifications suivantes:
 - (a) En ce qui concerne la liberté de circulation et d'établissement, il y aura inclusion du droit d'une province à mettre en oeuvre des programmes d'action en faveur des personnes socialement et économiquement désavantagées tant que le taux d'emploi de cette province demeurera inférieur à la moyenne nationale.
 - (b) Une clause "nonobstant" s'appliquera aux articles qui traitent des libertés fondamentales, des garanties juridiques et des droits à l'égalité. Toute disposition "nonobstant" devrait être adoptée de nouveau au moins tous les cinq ans.
 - (c) Nous sommes convenus que l'article 23, qui a trait au droit à l'instruction dans la langue de la minorité, s'appliquera dans nos provinces.

Dated at Ottawa this 5th day
of November, 1981.

Fait à Ottawa le 5 novembre 1981.

CANADA/POUR LE CANADA

P. Elliott Trudeau
.....
Pierre Elliott Trudeau
Prime Minister of Canada/
Premier ministre du Canada

ONTARIO/POUR L'ONTARIO

William G. Davis
.....
William G. Davis, Premier/
Premier ministre

NOVA SCOTIA/POUR LA NOUVELLE-ECOSSE

John M. Buchanan
.....
John M. Buchanan, Premier/
Premier ministre

NEW BRUNSWICK/POUR LE NOUVEAU-BRUNSWICK

Richard B. Hatfield
.....
Richard B. Hatfield, Premier/
Premier ministre

MANITOBA/POUR LE MANITOBA

*Subject to approval
of section 3(c) by the
Legislative Assembly
of Manitoba*

Sterling R. Lyon
.....
Sterling R. Lyon, Premier/
Premier ministre

*Subject to approval
of section 3(c) by
the Legislative Assembly
of Manitoba*

BRITISH COLUMBIA/POUR LA COLOMBIE-BRITANNIQUE

William R. Bennett
.....
William R. Bennett, Premier/
Premier ministre

PRINCE EDWARD ISLAND/POUR L'ILE-DU-PRINCE-EDOUARD

Angus MacLean
.....
J. Angus MacLean, Premier/
Premier ministre

November 5, 1961

Le 5 novembre 1961

In an effort to reach an acceptable consensus on the constitutional issue which meets the concerns of the federal government and a substantial number of provincial governments, the undersigned governments have agreed to the following:

- (1) Patriation:
- (2) Amending Formula:
 - Acceptance of the April Accord Amending Formula with the deletion of Section 3 which provides for fiscal compensation to a province which opts out of a constitutional amendment.
 - The Delegation of Legislative Authority from the April Accord is deleted.
- (3) Charter of Rights and Freedoms:
 - The entrenchment of the full Charter of Rights and Freedoms now before Parliament with the following changes:
 - (a) With respect to Mobility Rights the inclusion of the right of a province to undertake affirmative action programs for socially and economically disadvantaged individuals as long as a province's employment rate was below the National average.
 - (b) A "notwithstanding" clause covering sections dealing with Fundamental Freedoms, Legal Rights and Equality Rights. Each "notwithstanding" provision would require reenactment not less frequently than once every five years.
 - (c) We have agreed that the provisions of Section 23 in respect of Minority Language Education Rights will apply to our provinces.

Dans un effort pour en arriver à un consensus acceptable sur la question constitutionnelle qui satisfasse les préoccupations du gouvernement fédéral et d'un nombre important de gouvernements provinciaux, les soussignés se sont entendus sur les points suivants:

- (1) Le rapatriement de la Constitution
- (2) La formule d'amendement
 - La formule d'amendement proposée dans l'Accord d'avril a été acceptée en supprimant l'article 3, qui prévoit une compensation fiscale à une province qui se retire d'un amendement constitutionnel.
 - La délégation de pouvoirs législatifs prévue dans l'Accord d'avril est supprimée.
- (3) La Charte des droits et libertés
 - La Charte complète des droits et libertés soumise au Parlement sera inscrite dans la Constitution avec les modifications suivantes:
 - (a) En ce qui concerne la liberté de circulation et d'établissement, il y aura inclusion du droit d'une province à mettre en oeuvre des programmes d'action en faveur des personnes socialement et économiquement désavantagées tant que le taux d'emploi de cette province demeurera inférieur à la moyenne nationale.
 - (b) Une clause "nonobstant" s'appliquera aux articles qui traitent des libertés fondamentales, des garanties juridiques et des droits à l'égalité. Toute disposition "nonobstant" devrait être adoptée de nouveau au moins tous les cinq ans.
 - (c) Nous sommes convenus que l'article 23, qui a trait au droit à l'instruction dans la langue de la minorité, s'appliquera dans nos provinces.

WORKING DRAFT

November 5, 1981

Consolidation of proposed constitutional resolution tabled by the Minister of Justice in the House of Commons on February 13, 1981 with the amendments approved by the House of Commons on April 23, 1981 and by the Senate on April 24, 1981 as further revised on instructions from the Prime Minister of Canada and the Premiers of nine Provinces at their Meeting at Ottawa on November 5, 1981.

THAT, WHEREAS in the past certain amendments to the Constitution of Canada have been made by the Parliament of the United Kingdom at the request and with the consent of Canada;

AND WHEREAS it is in accord with the status of Canada as an independent state that Canadians be able to amend their Constitution in Canada in all respects;

AND WHEREAS it is also desirable to provide in the Constitution of Canada for the recognition of certain fundamental rights and freedoms and to make other amendments to that Constitution;

A respectful address be presented to Her Majesty the Queen in the following words:

To the Queen's Most Excellent Majesty:
Most Gracious Sovereign:

We, Your Majesty's loyal subjects, the House of Commons of Canada in Parliament assembled, respectfully approach Your Majesty, requesting that you may graciously be pleased to cause to be laid before the Parliament of the United Kingdom a measure containing the recitals and clauses hereinafter set forth:

SCHEDULE B
CONSTITUTION ACT, 1981

PART I

CANADIAN CHARTER OF RIGHTS AND
FREEDOMS

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

Rights and
freedoms in
Canada

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

Fundamental
freedoms

2. Everyone has the following fundamental freedoms:

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

Democratic Rights

Democratic
rights of
citizens

3. Every citizen of Canada has 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.

Maximum
duration of
legislative
bodies

4. (1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members.

Continuation in
special
circumstances

(2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House

An Act to give effect to a request by the Senate and House of Commons of Canada

Whereas Canada has requested and consented to the enactment of an Act of the Parliament of the United Kingdom to give effect to the provisions hereinafter set forth and the Senate and the House of Commons of Canada in Parliament assembled have submitted an address to Her Majesty requesting that Her Majesty may graciously be pleased to cause a Bill to be laid before the Parliament of the United Kingdom for that purpose.

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Constitution Act 1981 enacted

1. The *Constitution Act, 1981* set out in Schedule B to this Act is hereby enacted for and shall have the force of law in Canada and shall come into force as provided in that Act.

Termination of power to legislate for Canada

2. No Act of the Parliament of the United Kingdom passed after the *Constitution Act, 1981* comes into force shall extend to Canada as part of its law.

French version

3. So far as it is not contained in Schedule B, the French version of this Act is set out in Schedule A to this Act and has the same authority in Canada as the English version thereof.

Short title

4. This Act may be cited as the *Canada Act*.

of Commons or the legislative assembly, as the case may be.

Annual sitting
of legislative
bodies

5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

Mobility Rights

Mobility of
citizens

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

Rights to move
and gain
livelihood

(2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right

(a) to move to and take up residence in any province; and

(b) to pursue the gaining of a livelihood in any province.

Limitation

(3) The rights specified in subsection (2) are subject to

(a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and

(b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services.

Affirmative
action
programs

(4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

Legal Rights

Life, liberty
and security of
person

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Search or
seizure

8. Everyone has the right to be secure against unreasonable search or seizure.

Detention or
imprisonment

9. Everyone has the right not to be arbitrarily detained or imprisoned.

Arrest or
detention

10. Everyone has the right on arrest or detention

(a) to be informed promptly of the reasons therefor;

(b) to retain and instruct counsel without delay and to be informed of that right; and

(c) to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful.

Proceedings in
criminal and
penal matters

11. Any person charged with an offence has the right

(a) to be informed without unreasonable delay of the specific offence;

(b) to be tried within a reasonable time;

(c) not to be compelled to be a witness in proceedings against that person in respect of the offence;

(d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;

(e) not to be denied reasonable bail without just cause;

(f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;

(g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;

(h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and

(i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

Treatment or
punishment

12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Self crimina-
tion

13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

Interpreter

14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Equality Rights

Equality before
and under law
and equal
protection and
benefit of law

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Affirmative
action
programs

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Official Languages of Canada

Official
languages of
Canada

16. (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

Official
languages of
New Brunswick

(2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick.

Advancement
of status and
use

(3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French.

Proceedings of
Parliament

17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.

Proceedings of
New Brunswick
legislature

(2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

Parliamentary
statutes and
records

18. (1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.

New Brunswick
statutes and
records

(2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.

Proceedings in
courts
established by
Parliament

19. (1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament.

Proceedings in
New Brunswick
courts

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

Communica-
tions by public
with federal
institutions

20. (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where

(a) there is a significant demand for communications with and services from that office in such language; or

(b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

Communica-
tions by public
with New
Brunswick
institutions

(2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from,

any office of an institution of the legislature or government of New Brunswick in English or French

Continuation of existing constitutional provisions

21. Nothing in sections 16 to 20 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.

Rights and privileges preserved

22. Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

Minority Language Educational Rights

Language of instruction

23. (1) Citizens of Canada
(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or
(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

Continuity of language instruction

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

Application where numbers warrant

(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province

(a) applies wherever in the province the number of children of citizens who have

such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and

(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

Enforcement

Enforcement of guaranteed rights and freedoms

24. (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

Exclusion of evidence bringing administration of justice into disrepute

(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

General

Aboriginal rights and freedoms not affected by Charter

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including

(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and

(b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement.

Other rights and freedoms not affected by Charter

26. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

Multicultural heritage

27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

Rights guaranteed equally to both sexes

28. Notwithstanding anything in this Charter except section 33, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Rights respecting certain schools preserved

29. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

Application to territories and territorial authorities

30. A reference in this Charter to a province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be.

Legislative powers not extended

31. Nothing in this Charter extends the legislative powers of any body or authority.

Application of Charter

Application of Charter

32. (1) This Charter applies
(a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and
(b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province

Exception

(2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this Act comes into force.

Exception where express declaration

33. (1) Parliament or the legislature of a province may expressly declare ~~in~~ an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2, sections 7 to 15 or section 28 of the Canadian Charter of Rights and Freedoms.

Operation of exception

(2) An Act or a provision of an Act of Parliament or of the legislature of a province in respect of which a declaration is made under subsection (1) shall have such operation as it would have but for the provision of the Canadian Charter of Rights and Freedoms referred to in the declaration.

Five year
limitation

(3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.

Re-enactment

(4) Parliament or a legislature of a province may re-enact a declaration made under subsection (1).

Five year
limitation

(5) Subsection (3) applies in respect of a re-enactment made under subsection (4).

Citation

Citation

34 . This Part may be cited as the *Canadian Charter of Rights and Freedoms*.

PART II

EQUALIZATION AND REGIONAL DISPARITIES

Commitment to promote equal opportunities

35. (1) Without altering the legislative authority of Parliament or of the provincial legislatures, or the rights of any of them with respect to the exercise of their legislative authority, Parliament and the legislatures, together with the government of Canada and the provincial governments, are committed to

(a) promoting equal opportunities for the well-being of Canadians;

(b) furthering economic development to reduce disparity in opportunities; and

(c) providing essential public services of reasonable quality to all Canadians.

Commitment respecting public services

(2) Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation

PART III

CONSTITUTIONAL CONFERENCE

Constitutional conference

36. (1) A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada within one year after this Act comes into force.

Participation of aboriginal peoples

(2) The conference convened under subsection (1) shall have included in its agenda an item respecting constitutional matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those peoples to be included in the Constitution of Canada, and the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on that item.

Participation of territories

(3) The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of the conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories

PART IV

PROCEDURE FOR AMENDING
CONSTITUTION OF CANADA

General
procedure
for amending
Constitution
of Canada

37. (1) An amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by

(a) resolutions of the Senate and House of Commons; and

(b) resolutions of the legislative assemblies of at least two-thirds of the provinces that have, in the aggregate, according to the then latest general census, at least fifty per cent of the population of all the provinces.

Majority
of members

(2) An amendment made under subsection (1) that derogates from the legislative powers, the proprietary rights or any other rights or privileges of the legislature or government of a province shall require a resolution supported by a majority of the members of each of the Senate, the House of Commons and the requisite number of legislative assemblies.

Expression
of dissent

(3) An amendment referred to in subsection (2) shall not have effect in a province the legislative assembly of which has expressed its dissent thereto by resolution supported by a majority of its members prior to the issue of the proclamation to which the amendment relates.

Withdrawal
of dissent

(4) A legislative assembly that has adopted a resolution of dissent in respect of an amendment under subsection (3) may subsequently, by resolution supported by a majority of its members, withdraw its dissent and approve the amendment.

Restriction on
proclamation

38. (1) A proclamation shall not be issued under section 37 before the expiry of one year from the adoption of the resolution initiating the amendment procedure thereunder, unless the legislative assembly of each province has previously adopted a resolution of assent or dissent.

Idem

(2). A proclamation shall not be issued under section 37 after the expiry of three years from the adoption of the resolution initiating the amendment procedure thereunder.

Amendment
by unanimous
consent

39. An amendment to the Constitution of Canada in relation to the following matters may be made only by proclamation issued by the Governor General under the Great Seal of Canada where authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province:

(a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;

(b) the right of a province to a number of members in the House of Commons not less than the number of Senators by which the province is entitled to be represented at the time this Act comes into force;

(c) subject to section 41, the use of the English or the French language;

(d) the composition of the Supreme Court of Canada; and

(e) an amendment to this Part.

Amendment
by general
procedure

40. (1) An amendment to the Constitution of Canada in relation to the following matters shall be made in accordance with subsection 37(1):

(a) the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada;

(b) the powers of the Senate and the method of selection of Senators;

(c) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;

(d) subject to paragraph 39(1)(d), the Supreme Court of Canada;

(e) the extension of existing provinces into the Territories; and

(f) notwithstanding any other law or practice, the establishment of new provinces.

Exception

(2) Subsections 37 (2) and (3) do not apply in respect of amendments in relation to matters referred to in subsection (1).

Amendment of provisions relating to some but not all provinces

41. An amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces, including

(a) any alteration to boundaries between provinces, and

(b) any amendment to any provision that relates to the use of the English or the French language within a province,

may be made by proclamation issued by the Governor General under the Great Seal of Canada only where so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province to which the amendment applies.

Amendments by Parliament

42. Subject to sections 39 and 40, Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate and House of Commons.

Amendments by provincial legislatures

43. Subject to section 39, the legislature of each province may exclusively make laws amending the constitution of the province.

Advice to issue proclamation

44. The Queen's Privy Council for Canada shall advise the Governor General to issue a proclamation under this Part forthwith on the adoption of the requisite resolutions.

Amendments
without
Senate
resolution

45. (1) An amendment to the Constitution of Canada may be made by proclamation under section 37, 39, 40 or 41, as appropriate, without a resolution of the Senate authorizing the issue of the proclamation if, within one hundred and eighty days after the adoption by the House of Commons of a resolution authorizing its issue, the Senate has not passed such a resolution and if, at any time after the expiration of those one hundred and eighty days, the House of Commons again passes the resolution.

Computation
of period

(2) Any period when Parliament is prorogued or dissolved shall not be counted in computing the one hundred and eighty day period referred to in subsection (1).

Initiation of
amendment
procedures

46. (1) The procedures for amendment under sections 37, 39, 40 and 41 may be initiated either by the Senate or the House of Commons or by the legislative assembly of a province.

Revocation of
authorization

(2) A resolution made for the purposes of this Part may be revoked at any time before the issue of a proclamation authorized by it.

Revocation of
dissent

(3) A resolution of dissent made under this Part may be revoked at any time before or after the issue of a proclamation to which it relates.

Constitution
conference

47. A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada within fifteen years after the coming into force of this Act to review the provisions of this Part.

PART V

AMENDMENT TO THE CONSTITUTION ACT,
1867

Amendment to
Constitution
Act, 1867

48. The *Constitution Act, 1867* (formerly named the *British North America Act, 1867*) is amended by adding thereto, immediately after section 92 thereof, the following heading and section:

*"Non-Renewable Natural Resources,
Forestry Resources and Electrical Energy"*

Laws respecting
non-renewable
natural
resources,
forestry
resources and
electrical
energy

92A. (1) In each province, the legislature may exclusively make laws in relation to

(a) exploration for non-renewable natural resources in the province;

(b) development, conservation and management of non-renewable natural resources and forestry resources in the province, including laws in relation to the rate of primary production therefrom; and

(c) development, conservation and management of sites and facilities in the province for the generation and production of electrical energy.

Export from
provinces of
resources

(2) In each province, the legislature may make laws in relation to the export from the province to another part of Canada of the primary production from non-renewable natural resources and forestry resources in the province and the production from facilities in the province for the generation of electrical energy, but such laws may not authorize or provide for discrimination in prices or in supplies exported to another part of Canada.

Authority of
Parliament

(3) Nothing in subsection (2) derogates from the authority of Parliament to enact laws in relation to the matters referred to in that subsection and, where such a law of Parliament and a law of a province conflict, the law of Parliament prevails to the extent of the conflict.

Taxation of
resources

(4) In each province, the legislature may make laws in relation to the raising of money by any mode or system of taxation, in respect of

(a) non-renewable natural resources and forestry resources in the province and the primary production therefrom, and

(b) sites and facilities in the province for the generation of electrical energy and the production therefrom,

whether or not such production is exported in whole or in part from the province, but such laws may not authorize or provide for taxation that differentiates between production exported to another part of

"Primary production" (5) The expression "primary production" has the meaning assigned by the Sixth Schedule.

Existing powers or rights (6) Nothing in subsections (1) to (5) derogates from any powers or rights that a legislature or government of a province had immediately before the coming into force of this section."

Mem 49. The said Act is further amended by adding thereto the following Schedule:

"THE SIXTH SCHEDULE

Primary Production from Non-Renewable Natural Resources and Forestry Resources

1. For the purposes of section 92A of this Act,

(a) production from a non-renewable natural resource is primary production therefrom if

(i) it is in the form in which it exists upon its recovery or severance from its natural state, or

(ii) it is a product resulting from processing or refining the resource, and is not a manufactured product or a product resulting from refining crude oil, refining upgraded heavy crude oil, refining gases or liquids derived from coal or refining a synthetic equivalent of crude oil; and

(b) production from a forestry resource is primary production therefrom if it consists of sawlogs, poles, lumber, wood chips, sawdust or any other primary wood product, or wood pulp, and is not a product manufactured from wood."

PART VI

GENERAL

Primacy of Constitution of Canada 50. (1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

Constitution of Canada (2) The Constitution of Canada includes
(a) the *Canada Act*, including this Act;
(b) the Acts and orders referred to in Schedule I; and
(c) any amendment to any Act or order referred to in paragraph (a) or (b).

Amendments to Constitution of Canada (3) Amendments to the Constitution of Canada shall be made only in accordance with the authority contained in the Constitution of Canada.

Repeals and new names 51. (1) The enactments referred to in Column I of Schedule I are hereby repealed or amended to the extent indicated in Column II thereof and, unless repealed, shall continue as law in Canada under the names set out in Column III thereof.

Consequential amendments (2) Every enactment, except the *Canada Act*, that refers to an enactment referred to in Schedule I by the name in Column I thereof is hereby amended by substituting

for that name the corresponding name in Column III thereof, and any British North America Act not referred to in Schedule I may be cited as the *Constitution Act* followed by the year and number, if any, of its enactment

Repeal and consequential amendments

52. Part III is repealed on the day that is one year after this Act comes into force and this section may be repealed and this Act renumbered, consequential upon the repeal of that Part and this section, by proclamation issued by the Governor General under the Great Seal of Canada.

French version
of Constitution
of Canada

53. A French version of the portions of the Constitution of Canada referred to in Schedule I shall be prepared by the Minister of Justice of Canada as expeditiously as possible and, when any portion thereof sufficient to warrant action being taken has been so prepared, it shall be put forward for enactment by proclamation issued by the Governor General under the Great Seal of Canada pursuant to the procedure then applicable to an amendment of the same provisions of the Constitution of Canada.

English and
French versions
of certain
constitutional
texts

54. Where any portion of the Constitution of Canada has been or is enacted in English and French or where a French version of any portion of the Constitution is enacted pursuant to section 53, the English and French versions of that portion of the Constitution are equally authoritative.

English and
French versions
of this Act

55. The English and French versions of this Act are equally authoritative.

Commence-
ment

56. This Act shall come into force on a day to be fixed by proclamation issued by the Governor General under the Great Seal of Canada.

Short title and
citations

57. This Act may be cited as the *Constitution Act, 1981*, and the Constitution Acts 1867 to 1975 (No. 2) and this Act may be cited together as the *Constitution Acts, 1867 to 1981*.

SCHEDULE I
to the
CONSTITUTION ACT, 1981
MODERNIZATION OF THE CONSTITUTION

Item	Column I Act Affected	Column II Amendment	Column III New Name
1	British North America Act, 1867, 30-31 Vict., c. 3 (U.K.)	(1) Section 1 is repealed and the following substituted therefor: "1. This Act may be cited as the <i>Constitution Act, 1867.</i> " (2) Section 20 is repealed. (3) Class 1 of section 91 is repealed. (4) Class 1 of section 92 is repealed.	Constitution Act, 1867
2.	An Act to amend and continue the Act 32-33 Victoria chapter 3; and to establish and provide for the Govern- ment of the Province of Manito- ba, 1870, 33 Vict., c. 3 (Can.)	(1) The long title is repealed and the following substituted therefor: "Manitoba Act, 1870." (2) Section 20 is repealed.	Manitoba Act, 1870
3.	Order of Her Majesty in Council admitting Rupert's Land and the North-Western Territory into the union, dated the 23rd day of June, 1870		Rupert's Land and North-West- ern Territory Order
4	Order of Her Majesty in Council admitting British Columbia into the Union, dated the 16th day of May, 1871.		British Columbia Terms of Union
5.	British North America Act, 1871, 34-35 Vict., c. 28 (U.K.)	Section 1 is repealed and the following substituted therefor: "1. This Act may be cited as the <i>Constitution Act, 1871.</i> "	Constitution Act, 1871
6.	Order of Her Majesty in Council admitting Prince Edward Island into the Union, dated the 26th day of June, 1873.		Prince Edward Island Terms of Union
7.	Parliament of Canada Act, 1875, 38-39 Vict., c. 38 (U.K.)		Parliament of Canada Act, 1875
8.	Order of Her Majesty in Council admitting all British possessions and Territories in North America and islands adjacent thereto into the Union, dated the 31st day of July, 1880.		Adjacent Territories Order

SCHEDULE I
to the
CONSTITUTION ACT, 1981—Continued

Item	Column I Act Affected	Column II Amendment	Column III New Name
9.	British North America Act, 1886, 49-50 Vict., c. 35 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1886.</i> "	Constitution Act, 1886
10.	Canada (Ontario Boundary) Act, 1889, 52-53 Vict., c. 28 (U.K.)		Canada (Ontario Boundary) Act, 1889
11.	Canadian Speaker (Appointment of Deputy) Act, 1895, 2nd Sess., 59 Vict., c. 3 (U.K.)	The Act is repealed.	
12.	The Alberta Act, 1905, 4-5 Edw. VII, c. 3 (Can.)		Alberta Act
13.	The Saskatchewan Act, 1905, 4-5 Edw VII, c. 42 (Can.)		Saskatchewan Act
14.	British North America Act, 1907, 7 Edw. VII, c. 11 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1907.</i> "	Constitution Act, 1907
15.	British North America Act, 1915, 5-6 Geo. V, c. 45 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1915.</i> "	Constitution Act, 1915
16.	British North America Act, 1930, 20-21 Geo. V, c. 26 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act, 1930.</i> "	Constitution Act, 1930
17.	Statute of Westminster, 1931, 22 Geo. V, c. 4 (U.K.)	In so far as they apply to Canada, (a) section 4 is repealed; and (b) subsection 7(1) is repealed.	Statute of Westminster, 1931
18.	British North America Act, 1940, 3-4 Geo. VI, c. 36 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1940.</i> "	Constitution Act, 1940

SCHEDULE I
to the
CONSTITUTION ACT, 1981—Continued

Item	Column I Act Affected	Column II Amendment	Column III New Name
19.	British North America Act, 1943, 6-7 Geo. VI. c. 30 (U.K.)	The Act is repealed.	
20.	British North America Act, 1946, 9-10 Geo. VI. c. 63 (U.K.)	The Act is repealed.	
21.	British North America Act, 1949, 12-13 Geo. VI. c. 22 (U.K.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Newfoundland Act</i> ."	Newfoundland Act
22.	British North America (No. 2) Act, 1949, 13 Geo. VI. c. 81 (U.K.)	The Act is repealed.	
23.	British North America Act, 1951, 14-15 Geo. VI. c. 32 (U.K.)	The Act is repealed.	
24.	British North America Act, 1952, 1 Eliz. II. c. 15 (Can.)	The Act is repealed.	
25.	British North America Act, 1960, 9 Eliz. II. c. 2 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1960</i> ."	Constitution Act, 1960
26.	British North America Act, 1964, 12-13 Eliz. II. c. 73 (U.K.)	Section 2 is repealed and the following substituted therefor: "2. This Act may be cited as the <i>Constitution Act, 1964</i> ."	Constitution Act, 1964
27.	British North America Act, 1965, 14 Eliz. II. c. 4, Part I (Can.)	Section 2 is repealed and the following substituted therefor: "2. This Part may be cited as the <i>Constitution Act, 1965</i> ."	Constitution Act, 1965

SCHEDULE I
to the
CONSTITUTION ACT, 1981—*Concluded*

Item	Column I Act Affected	Column II Amendment	Column III New Name
28.	British North America Act, 1974, 23 Eliz. II, c. 13, Part I (Can.)	Section 3, as amended by 25-26 Eliz. II, c. 28, s. 38(1) (Can.) is repealed and the follow- ing substituted therefor: "3. This Part may be cited as the <i>Constitution Act, 1974</i> ."	Constitution Act, 1974
29.	British North America Act, 1975, 23-24 Eliz. II, c. 28, Part I (Can.)	Section 3, as amended by 25-26 Eliz. II, c. 28, s. 31 (Can.) is repealed and the following sub- stituted therefor: "3. This Part may be cited as the <i>Constitution Act (No. 1), 1975</i> ."	Constitution Act (No. 1), 1975
30.	British North America Act (No. 2), 1975, 23-24 Eliz. II, c. 53 (Can.)	Section 3 is repealed and the following substituted therefor: "3. This Act may be cited as the <i>Constitution Act (No. 2), 1975</i> ."	Constitution Act (No. 2), 1975