

APPENDIX "A"

(See p. 2383)

THE CONSTITUTION

MOTION FOR AN ADDRESS TO HER MAJESTY THE QUEEN
PROPOSED OPPOSITION AMENDMENTS OF FRIDAY, APRIL 24, 1981

That the proposed Constitution Act, 1981, be amended as follows:

A. by deleting Clause 1 of Part I and substituting the following therefor:

"1. Affirming that

(a) the Canadian nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of free individuals and free institutions, and

(b) individuals and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law,

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."

B. by deleting Clause 7 of Part I and substituting the following therefor:

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

C. by adding after Clause 27 of Part I the following new Clause:

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

D. by adding after new Clause 28 of Part I the following new Clause:

"29. Nothing in this Charter affects the authority of Parliament to legislate in respect of abortion and capital punishment."

That the proposed Constitution Act, 1981, be amended as follows:

by deleting Clause 35 of Part IV and substituting the following therefor:

"35. (1) No later than two months after the coming into force of this Act, the Prime Minister of Canada and the first ministers of the provinces shall constitute a permanent conference to be designated the "Constitutional Conference of Canada" hereinafter referred to as the "Conference".

(2) The Conference shall examine all Canadian constitutional laws and propose amendments necessary for the development of the Canadian federation.

(3) A 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 shall invite representatives of those peoples to participate in the discussions on that item.

(4) 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 a Conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories.

(5) The Conference shall meet at least twice each year.

(6) The Conference shall be assisted by the Continuing Committee of Ministers on the Constitution."

That the proposed Constitution Act, 1981, be amended as follows:

A. by deleting Clause 45 of Part VI and substituting the following therefor:

"45. (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 decennial census, at least fifty per cent of the population of all 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, financially or otherwise, in and for 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 the legislative assembly, by resolution supported by a majority of the members, may subsequently withdraw its dissent and approve the amendment.

(4) The provisions of subsection (2) and (3) do not apply to the Canadian Charter of Rights and Freedoms."

B. by deleting Clause 46 of Part VI

C. by adding after Clause 48 of Part VI the following new Clause:

"49. An amendment to the Constitution of Canada may be made by proclamation under section 45 or section 47, as appropriate, 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, at any time after the expiration of those one hundred and eighty days, the House of Commons passes the resolution."

D. by deleting Clause 49 of Part VI and substituting the following therefor:

"49.(1) The procedures for amending prescribed by subsection 45(1) and section 47 may be initiated by either the Senate or House of Commons or by the legislative assembly of a province.

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

(3) A resolution of dissent made for the purposes of this Part may be revoked at any time before or after the issue of a proclamation."

E. by deleting Clause 54 of Part VI and substituting the following therefor:

"54. 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 45(1):

- (a) The Canadian Charter of Rights and Freedoms;
- (b) the commitments relating to equalization and regional disparities set out in section 34;
- (c) the powers of the Senate;
- (d) the number of members by which a province is entitled to be represented in the Senate;
- (e) the method of selecting Senators and the residence qualifications of Senators; and
- (f) the principles of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada."

F. by adding after Clause 54 of Part VI the following new Clause:

"55. 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 so authorized by resolutions of the Senate and the House of Commons and by 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 numbers of Senators representing the province;
- (c) any of the provisions of this Part; and
- (d) clauses 16 to 22, inclusive, of Part I.

G. by deleting Part V.

That the proposed Constitution Act, 1981, be amended as follows:

by deleting Clause 63 of Part VIII and substituting the following therefor:

"63. (1) This Act, or any provision thereof, shall come into force on a day or days to be fixed by proclamation to be issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the legislative assemblies of at least two-thirds of the provinces that have in the aggregate, according to the then latest decennial census, a population of at least fifty per cent of all the provinces.

(2) A resolution made for the purposes of this section may be revoked before the issue of a proclamation authorized by it."

That the proposed Constitution Act, 1981, be amended as follows:

1.(a) by adding to Clause 16 of Part I, immediately after line 32 on page 6 the following:

"(3) English and French are the official languages of Ontario and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of Ontario;"

(b) by renumbering subsection (3) as subsection (4).

2. By adding to Clause 17 of Part I, immediately after line 3 on page 7 the following:

"(3) Everyone has the right to use English or French in any debates and other proceedings of the legislature of Ontario."

3. by adding to Clause 18 of Part I, immediately after line 12 on page 7 the following:

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

4. by adding to Clause 19 of Part I, immediately after line 20 on page 7 the following:

"(3) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court of Ontario."