

CONFIDENTIAL

Fourth Meeting, Constitutional Conference

June 14-16, 1971

June 8th, 1971.

NOTES FOR INTRODUCTORY
COMMENTS

PATRIATION

1. We have distributed a memorandum to the provincial governments dated May 11th, 1971 (copy of English and French versions in our briefing book, under Tab 20, and in the Secretariat folder). The following points require special mention.

2. We are assuming that the "agreement among the governments" referred to in the February Conclusions (quoted p. 1 of memorandum) will be achieved here (we hope in the form of an agreement among all first ministers to recommend the Charter to their respective legislative bodies for approval).

3. As for the resolutions to be passed in the two Houses of Parliament and the legislative assemblies (discussed pp. 1-2 of memorandum) there was, I understand, agreement at the Ministerial Meeting of May 31-June 1, that the same wording should be included in all of them, as follows:

(English)

" ... that this House Assembly, etc. approve the issuance of a Proclamation by the Governor General, proclaiming the following provisions respecting the Constitution of Canada to come into force on a date to be fixed by that Proclamation."

(French)

" ... que cette Chambre (Assemblée, etc.) approuve le lancement d'une proclamation par le gouverneur général énonçant que les dispositions qui suivent relatives à la Constitution du Canada entreront en vigueur à une date fixée par cette proclamation."

To this resolution would be attached the Charter as agreed on here in Victoria. This would not, of course, prevent the inclusion of other material in the resolutions, as may be appropriate for each legislative body.

4. Concerning the U.K. enactment (see p. 2 of our memorandum of May 11, Tab 20 our book, and in Secretariat folder).

- Discussions were held in London last month by the Minister of Justice with the British government;

- the various considerations involved from the Canadian and British viewpoints were discussed;
- Mr. Turner suggested that we would not be in a position to make a formal request for an enactment until after March, 1972 at the earliest;
- there appears to be no serious problem involved
 - the British government is quite willing to proceed with appropriate legislation when the time comes;
 - the specifics of the statute were discussed and a working draft was considered containing the elements agreed to in February (see p. 1 of memorandum);
 - it is not possible at this point to put before provincial governments any draft, as the British government as a whole has not had an opportunity to consider it yet;
 - however, before the U.K. Parliament is asked to proceed with any legislation provincial governments will have an opportunity to consider a draft.