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Drafting

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 *No referendum*

- 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 or Rights & Freedoms

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

~~2/3~~

(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 ^{level of employment} unemployment rate was above ^{below} the National average.

53. *Seigneur*
(Bennett *(trans) (trans)*)

(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.

with Special Consent

2nd Mt.
B.C., Alta., Sask.
P.S., Man. N.S.
Ont., N.B.

(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.

Aboriginal