February 6, 1981

CONSTITUTIONAL DEBATE: SPECIAL JOINT COMMITTEE - CLAUSE-BY-CLAUSE CONSIDERATION

Attached are the following:

1. Unofficial Listing of Status of Amendments and Clauses as at completion of today's Committee proceedings.

2. Unofficial Consolidation of Proposed Amendments to the Proposed Resolution, with status report updated to completion of today's Committee proceedings.

A final listing of the status of amendments and clauses will be circulated when the Committee concludes.

B.A. Darling

General Enquiries
(996-3535)

REVISED/February 6, 1981
As of Feb 6, 11:00 a.m.

UNOFFICIAL STATUS OF AMENDMENTS AND CLAUSES: THE PROPOSED RESOLUTION

Understanding of drafters as to Status of Amendments and Clauses, and Proposed Order of Consideration

THE CONSTITUTION ACT			Considered by Committee	Decision
Clause 1				
(1)	G-5	- revised last half of clause	Jan 21	Carried
(2)	CP-1	- preamble	Jan 22	Negatived
(3)	N-1	- equal status of males and females	Jan 22	Negatived
		Clause 1 (both languages) as amended:	Jan 22	Carried
Clause 2				
(1)	N-2	- English version - everyone to every person	Jan 22	Negatived
(2)	N-3 (a)	- division of 2(b) into (b) and (c)	Jan 22	Negatived
	(b)	- communication	Jan 22	Carried
(3)	G-6.1	- grands moyens de (in (b))	Jan 22	Carried
(4)	G-6	- division of (c) & (d)	Jan 22	Carried
(5)	N-4	- amendment to G-6: delete peaceful in (a); and organize collectively in (d)	Jan 22	Negatived
(6)	CP-2	- adding para (e) - privacy, family, etc. includes consequential	Jan 22	Negatived
		Clause 2 (both languages) as amended:	Jan 22	Carried
Clause 3				
(1)	N-5	- democratic rights	Jan 22	Negatived
(2)	G-7	- idem	Jan 22	Carried
		Clause 3 (both languages) as amended:	Jan 22	Carried
Clause 4				
(1)	G-8	- French (retour des brefs)	Jan 22	Carried
(2)	N-6 (a)	- imminent	Jan 22	Negatived
	(b)	- present and voting	Jan 22	Negatived
	(c)	- semi-annual vote	Jan 22	Negatived
		Clause 4 (both languages) as amended:	Jan 22	Carried

		Considered by Committee	Decision
Clause 5			
(1) CP-3	- Right to information	Jan 22	Negatived
(2) N-7	- Idem with more detail	Jan 22	Negatived
	Clause 5 (both languages)	Jan 22	Carried
Clause 6			
(1) N-8	- citizenship inalienable	Jan 22	Negatived
(2) N-9	- laws or practices re aboriginal peoples	Jan 27	Negatived
	Clause 6 (both languages):	Jan 27	Carried
Clause 7			
(1) N-9.1	- everyone becomes every individual	Jan 23	Negatived
(2) CP-4	(a) - enjoyment of property (b) - natural justice	Jan 27	Negatived
(3) N-10	- due process of law	Jan 27	Negatived
(4) N-11	(a) fair hearing	Jan 27	Negatived
	(b) privacy	Jan 27	Negatived
	Clause 7 (both languages):	Jan 27	Carried
Clause 8			
(1) G-9	- unreasonable search or seizure	Jan 27	Carried
(2) N-12	- seizure of person or property	Jan 27	Negatived
	Clause 8 (both languages) as amended:	Jan 27	Carried
Clause 9			
(1) G-10	- arbitrarily detained or imprisoned	Jan 27	Carried
(2) CP-5	- or deported	Jan 27	Negatived
	Clause 9 (both languages) as amended:	Jan 27	Carried

	Considered by Committee	Decision
Clause 10		
(1) G-11 - informed of right to counsel	Jan 27	Carried
(2) N-13 (a) - provision of counsel	Jan 27	Negatived
(b) - self- crimination	Jan 28	Negatived
Clause 10 (both languages) as amended:	Jan 28	Carried
Clause 11		
1. G - 11 - Any person (English only)	Jan 28	Carried
2. Paragraph (a)		
(1) G-12 - to be informed without unreasonable delay	Jan 28	Carried
3. New paragraph after (b)		
(1) G-13 - not witness in own trial	Jan 28	Carried
(2) N-14 - or to confess guilt	Jan 28	Negatived
4. Paragraph (d)		
(1) G-14 - bail	Jan 28	Carried
5. New paragraph after paragraph (d)		
(1) G-15 - trial by jury	Jan 28	Carried
(2) N-15 - two years	Jan 28	Negatived
6. Paragraph (e)		
(1) G-16 - no offence when committed	Not acted on	
(2) CP-6 - (idential to G-16)	Jan 28	Carried
7. Paragraph (f)		
(1) G-17 - no second trial or punishment	Jan 28	Carried
(2) N-16 - acts or omissions constituting offence	Jan 28	Negatived
8. Paragraph (g)		
(1) G-18 - punishment varied	Jan 28	Carried
(2) N-17 - after time of commission	Jan 28	Negatived
9. New paragraphs		
(1) N-18		
(a) prosecution witnesses (b) compulsory process	Jan 28	Negatived
Clause 11 (both languages) as amended:	Jan 28	Carried

	Considered by Committee	Decision
Clause 12		
(1) N-19 - inhuman and degrading	Jan 28	Negatived
Clause 12 (both languages)	Jan 28	Carried
Clause 13		
(1) G-19 - self-crimination	Jan 28	Carried
Clause 13 (both languages) as amended:	Jan 28	Carried
Clause 14		
(1) N-20 - interpreter	Jan 28	Negatived
(2) CP-7 - deaf	Jan 28	Carried
Clause 14 (both languages) as amended:	Jan 28	Carried
Clause 15		
1. Subclause (1)		
(1) G-20 - equality before and under law	Jan 29	Carried
(2) N-21 (a) - equality in, before and under law	Jan 29	Negatived
(b) - physical or mental disability	Withdrawn	
(c) - marital status	Jan 29	Negatived
(d) - sexual orientation	Jan 29	Negatived
(e) - political belief	Jan 29	Negatived
(f) - lack of means	Withdrawn	
(g) - "or"	Withdrawn	
(3) CP-8(1) - mental or physical disability	Jan 28	Carried
(4) N-22 - sex, etc. not reasonable distinction	Withdrawn	
2. Subclause (2)		
(1) G-21 - affirmative action	Jan 29	Carried
(2) CP-8(2) - statutory distinctions	Jan 29	Negatived
(3) N-23 - individuals omitted	Jan 29	Negatived
(4) CP-8(3) - mental or physical disability	Jan 29	Carried
3. New subclause (3)		
(1) N-23.1 - aboriginal rights	Jan 29	Negatived
Clause 15 (both languages) as amended:	Jan 29	Carried
Clause 16		
(1) G-22 (a) - official languages of N.B. / (b) - advance equality of status	Jan 29	Carried
Clause 16 (both languages) as amended:	Jan 29	Carried

	Considered by Committee	Decision
Clause 17		
(1) G-23 - proceedings of N.B. legislature	Jan 29	Carried
Clause 17 (both languages) as amended:	Jan 29	Carried
G-23.1 - technical amendment	Feb 5	Carried
Clause 18		
(1) G-24 - N.B. statutes and records	Jan 29	Carried
Clause 18 (both languages) as amended:	Jan 29	Carried
Clause 19		
(1) G-25 - N.B. court proceedings	Jan 29	Carried
Clause 19 (both languages) as amended:	Jan 29	Carried
G-25.1 - technical amendment	Feb 5	Carried
Clause 20		
(1) G-26 - communications with government institutions	Jan 29	Carried
Clause 20 (both languages) as amended:	Jan 29	Carried
G-26.1 - technical amendment	Feb 5	Carried
New Clause after Clause 20		
(1) CP-14 - extension of language rights (cross-reference: Amendments G-34.1 and G-39.1)	Feb. 3	Withdrawn
New Clause after Clause 20 (both languages)	—	—
Clause 21		
No amendments	—	—
Clause 21 (both languages) :	Jan 29	Carried
Clause 22		
No amendments	—	—
Clause 22 (both languages) :	Jan 29	Carried
Clause 23		
(1) G-27 - language of instruction	Jan 29	Carried
(2) N-28 - schools where sufficient residents in area	Jan 29	Negatived
Clause 23 (both languages) :	Jan 29	Carried

			Considered by Committee	Decision
New Clause after Clause 23 - Aboriginal Rights				
(1)	N-29	- aboriginal rights	Withdrawn	—
		New Clause after Clause 23 (both languages)	—	—
New Clause after Clause 23 - Enforcement				
(1)	G-28	- enforcement	Jan 29	Carried
(2)	N-30	- evidence and compensation	Withdrawn	
		New Clause after Clause 23 (both languages) as amended	Jan 29	Carried
Clause 24				
(1)	G-29	- rights not affected by Charter - aboriginal rights	Jan 29	Carried
		- as amended to remove the part in Clause 25 (this becomes G-29.2)	—	—
		Clause 24 (both languages)	Jan 30	Carried
New Clause after Clause 24				
(1)	G-29.2	- rights not affected by Charter	Jan 31	Carried
(2)	CP-9	- cultural rights	Jan 31	Withdrawn
		New Clause after Clause 24 (both languages)	Jan 31	Carried
Clause 25				
(1)	G-30	- strike out clause	—	—
		Clause 25 (both languages)	Jan 31	Negatived
New Clause after Clause 25				
(1)	G-31	- multicultural heritage	Jan 31	Carried
(2)	N-32	- identities of aboriginal peoples	Jan 31	Negatived
		New Clause after Clause 25 (both languages)	Jan 31	Carried
Clause 26			—	—
(1)	G-32	- strike out clause	Withdrawn	—
(2)	CP-10	- reinstate modified clause		
		Clause 26 (both languages)	Jan 31	Negatived
New Clause after Clause 26				
(1)	CP-11	- s. 17 of Newfoundland Act	Jan 29	Carried
(2)	G-32.1	- denominational schools (amendment to CP-11)	Jan 29	Carried
		New Clause after Clause 26 (both languages) as amended	Jan 29	Carried
	G-T	- technical amendment	Feb 5	Carried
Clause 27			—	—
No amendments				
		Clause 27 (both languages)	Jan 30	Carried

	Considered by Committee	Decision
New Clause after Clause 27		
(1) CP-12 - abortion and capital punishment	Jan 30	Negatived
New Clause after Clause 27 (both languages)	Jan 30	Negatived
Clause 28		
No amendments	—	—
Clause 28 (both languages)	Jan 30	Carried
New Clause after Clause 28		
(1) CP-13 - duty to examine Bills	Jan 30	Negatived
New Clause after Clause 28 (both languages)	Jan 30	Negatived
Clause 29		
(1) N-33 - coming into force of Clause 15	Jan 30	Negatived
Clause 29 (both languages)	Jan 30	Carried
G-T - technical amendment	Feb 5	Carried
New Clause after Clause 29		
(1) N-1.1 (a) - relocate Clause 1	Jan 30	Delete
(b) - new limitation: legal rights	Jan 30	—
New Clause after Clause 29 (both languages) as amended:	Jan 30	Negatived
Clause 30		
No amendments	—	—
Clause 30 (both languages)	Jan 30	Carried
New Clause after Clause 30		
(1) G-32.2 - new Part II: Aboriginal Rights	Jan 30	Carried
New Clause after Clause 30 (both languages)	Jan 30	Carried
Clause 31		
(1) N-34 - UN Covenant on Economic, etc. Rights	Jan 30	Negatived
(2) G-33 - principle of equalization payments	Jan 30	Carried
Clause 31 (both languages) as amended	Jan 30	Carried
Clause 32		
(1) CP-15 - permanent constitutional conference	Feb 2	Negatived
(2) G-34 - discussions re aboriginal peoples	Feb 2	Carried
(3) CP-15.1 - territorial participation	Feb 2	Carried
(4) N-35 - G-34 with more detail	Withdrawn	—
Clause 32 (both languages) as amended:	Feb 2	Carried

	Considered by Committee	Decision
Clauses 33-40		
(1) CP-16 - strike out Part IV	Not Moved	—
Clause 33 (both languages)	Feb 3	Carried
Clause 34		
No further amendments	—	—
Clause 34 (both languages)	Feb 3	Carried
First New Clause after Clause 34		
(1) G-34.1 - Language Rights amendments	Feb 3	Carried
First New Clause after Clause 34	Feb 3	Carried
G-T - technical amendment	Feb 5	Carried
Second New Clause after Clause 34		
(1) G-34.2 - Aboriginal Rights	Withdrawn	—
Second New Clause after Clause 34	—	—
Clause 35		
No further amendments	—	—
Clause 35 (both languages)	Feb 3	Carried
G-T - technical amendment	Feb 5	Carried
Clause 36		
(1) G-35 - delete "revision of Constitution"	Feb 3	Carried
Clause 36 (both languages)	Feb 3	Carried
Clause 37		
No further amendments	—	—
Clause 37 (both languages)	Feb 3	Carried
Clause 38		
(1) G-36 (a) - seven provinces (b) - deposited, Parliament	Feb 4	Carried
(2) Subamendment: - 'Parliament' becomes 'resolutions of the Senate and House of Commons' (by unanimous consent)	Feb 4	Carried
Clause 38 (both languages) as amended:	Feb 4	Carried

	Considered by Committee	Decision
Clause 39		
No further amendments	—	—
Clause 39 (both languages)	Feb 4	Carried
Clause 40		
(1) G-37 - referendum rules committee	Feb 4	Carried
Clause 40 (both languages) as amended:	Feb 4	Carried
G-T - technical amendment	Feb 5	Carried
Clause 41		
(1) CP-17 - "Vancouver" formula	Feb 2	Negatived
(2) G-38 (i) Atlantic provinces	Feb 2	Carried
(ii) Western provinces	Feb 2	Carried
Clause 41 (both languages)	Feb 2	Carried
Clause 42		
(1) CP-18 - delete clause	—	—
(2) N-36 - regional majority	Feb 2	Negatived
(3) G-39 - deadlock breaking mechanism	Feb 3	Carried
(4) N-37 - resolution of four provinces	Feb 3	Negatived
Clause 42 (both languages)	Feb 3	Carried
Clause 43		
No amendments.	—	—
Clause 43 (both languages)	Feb 3	Carried
First New Clause after Clause 43		
(1) G-39.1 - Language Rights Amendments	Feb 3	Carried
First New Clause after Clause 43 (both languages)	Feb 3	Carried
G-T - technical amendment	Feb 5	Carried
Second New Clause after Clause 43		
(1) G-39.2 - Aboriginal Rights Amendments	Withdrawn	—
Second New Clause After Clause 43 (both languages)	—	—
Clause 44		
(1) G-40 - Senate approval	—	—
(2) CP-19 - Senate	Not Moved	—
Clause 44 (both languages)	Feb 3	Negatived

	Considered by Committee	Decision
Clause 45		
No amendments	—	—
Clause 45 (both languages)	Feb 3	Carried
G-T - technical amendment	Feb 5	Carried
Clause 46		
(1) CP-20 - delete clause	—	—
(2) G-41 - referendum rules committee	Feb 4	Carried
(3) N-38 - delete House of Commons participation	Feb 4	Negatived
Clause 46 (both languages) as amended:	Feb 4	Carried
G-T - technical amendment	Feb 5	Carried
Clause 47		
(1) CP-21 - deletion of reference s. 42	—	—
(2) G-42 - limitation on use of general amending procedure	Feb 4	Carried
(3) CP-21.1 - Constitution Act 1871 (provincial limits)	Feb 4	Negatived
Clause 47 (both languages) as amended:	Feb 4	Carried
G-T - 42.1 - technical amendment	Feb 5	Carried
Clause 48		
(1) CP-22 - delete Senate	—	—
Clause 48 (both languages)	Feb 4	Carried
Clause 49		
No amendments	—	—
Clause 49 (both languages)	Feb 4	Carried
Clause 50		
(1) N-39 - No referendum re: Charter	Feb 4	Negatived
(2) CP-23 - (a) delete reference to s. 42	Feb 4	Negatived
(b) expand paragraph (a) re Queen		
(c) reference to Senate	Withdrawn	—
(3) G-43 - (a) French amendment	Feb 4	Carried
(b) selection of Senators		
Clause 50 (both languages) as amended:	Feb 4	Carried

		Considered by Committee	Decision
Clause 51			
(1) G-44	- consequential reference and reissue of Act	Feb 4	Carried
(2) CP-24	- consequential reference	Not Moved	—
Clause 51 (both languages) as amended:		Feb 4	Carried
New Clause after Clause 51			
(1) N-40	- resources	Feb 5	Carried
(2) G-44.1	- amendment to N-40	Feb 5	Carried
(3) M-1	- offshore resources	Feb 5	Negatived
(4) F-1	- fisheries, etc.	Feb 5	Negatived
New Clause after Clause 51 (both languages)		Feb 5	Carried
Clause 52			
(1) G-45	- primacy of Constitution	Feb 5	Carried
Clause 52 (both languages) as amended:		Feb 5	Carried
Clause 53			
No amendments		—	—
Clause 53 (both languages)		Feb 5	Carried
Clause 54			
No amendments		—	—
Clause 54 (both languages)		Feb 5	Carried
Clause 55			
No amendments		—	—
Clause 55 (both languages)		Feb 5	Carried
Clause 56			
No amendments		—	—
Clause 56 (both languages)		Feb 5	Carried
Clause 57			
(1) CP-25	- consequential to CP-26	Withdrawn	—
Clause 57 (both languages)		Feb 5	Carried

		Considered by Committee	Decision
Clause 58			
(1) CP-26	- delete reference to Part V	Withdrawn	—
Clause 58 (both languages)		Feb 5	Carried
Clause 59			
(1) G-46	- change to 1981	Feb 5	Carried
Clause 59 (both languages) as amended:		Feb 5	Carried
Schedule I			
(1) G-47	- Rupert's Land and date	Feb 5	Carried
(2) CP-26.1	- Statute of Westminster	Feb 5	Carried
Schedule I (both languages) as amended:		Feb 5	Carried
Title Constitution Act			
(1) G - 1	- Title	Feb 5	Carried
Title (both languages) as amended:		Feb 5	Carried

* * *

CANADA ACT

Clause 1

(1) G-2	- year, 1981	Feb 5	Carried
Clause 1 (both languages) as amended:		Feb 5	Carried
New Clause after Clause 1			
(1) CP-27	- coming into force of Constitution Act, 1981	Feb 6	Negatived
New Clause after Clause 1 (both languages)		—	—

	Considered by Committee	Decision
Clause 2		
(1) G-3 - year, 1981 and French deletion	Feb 6	Carried
Clause 2 (both languages) as amended:	Feb 6	Carried
Clause 3		
No amendments	—	—
Clause 3 (both languages)	Feb 6	Carried
Clause 4		
No amendments	—	—
Clause 4 (both languages)	Feb 6	Carried
Preamble		
No amendments	—	—
Preamble (both languages)	Feb 6	Carried
Long Title		
(1) G-4 - Long Title	?	?
Long title (both languages)		

* * *

PROPOSED RESOLUTION (Page 1)

Preamble (lines 4 - 17)

No amendments

Preamble (both languages)

Proposed Resolution (lines 18 - 22)

No amendments

Proposed Resolution (both languages)

	Considered by Committee	Decision
Address (lines 23 - 32)		
No amendments		
Address (both languages)		
Title		
No amendments		
Title (both languages)		

PROPOSED RESOLUTION (BOTH LANGUAGES)

AS AMENDED:

* * *

UNOFFICIAL

CONSOLIDATION OF PROPOSED AMENDMENTS

TO THE PROPOSED RESOLUTION

This report covers all amendments tabled and actual progress up to Friday, February 6, 11:00 a.m.

February 6, 1981

AMENDMENTS PROPOSED BY PROGRESSIVE

UNOFFICIAL

CONSOLIDATION OF PROPOSED AMENDMENTS TO THE PROPOSED RESOLUTION

Attached in tabular form is an unofficial clause-by-clause consolidation of proposed amendments to the Constitution Act, 1981, with comments on their present status, and the status of each clause.

Each clause begins on a separate page. The clause is repeated in consolidated form, as it would be varied by proposed motions under:

1. The Government Proposal (i.e., as proposed on January 12, 1981, unless otherwise noted);

2. The Conservative Party Proposal;

3. The NDP Proposal, in three side-by-side columns.

Each version of the clause is followed by a list of relevant amendments and their status, for example:

"(1) G-5: Approved 21/1"

means that Government Motion No. 5 (G-5) was the first (1) motion on a particular clause to be considered, and it was approved on January 21, 1981.

Where information available on a motion is preliminary or unconfirmed, this is indicated. Special aspects of a proposal are flagged in a "NOTE". The report for each clause concludes with a "COMMENT" indicating the status of the clause.

Revised reports for each clause will be circulated as more up-to-date information is available.

NOTE: In this consolidation, the terms "approved" and "defeated" are used to indicate the status of amendments and clauses. These terms respectively correspond to the phrases "carried" and "negatived", used in the unofficial listing of the status of amendments and clauses, and in the Minutes of the Proceedings of the Special Joint Committee on the Constitution.

CONSTITUTION ACT, 1981

CLAUSE 1

26/1/81

GOVERNMENT PROPOSAL

PART I

CANADIAN CHARTER OF RIGHTS AND FREEDOMS

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.

- - -

(1) G-5: Approved 21/1

CONSERVATIVE PARTY PROPOSAL

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.

- - -

(2) CP-1: Defeated 22/1

N.D.P. PROPOSAL

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it and the equal right of males and females to the enjoyment of those rights and freedoms,

- - -

(3) N-1 - Modified: Defeated 22/1

NOTE: The NDP also tabled Motion N-1.1 which proposes to relocate the limitation part of Clause 1 to Clause 30, and make further changes to it. This Motion was not acted on during consideration of Clause 1, but may be raised during consideration of Clause 30. See Clause 30 for details of Motion N-1.1.

COMMENT

22/1: Clause 1 approved in both languages, as amended by G-5.

CONSTITUTION ACT, 1981

CLAUSE 2

26/1 /Revised 27/1

GOVERNMENT PROPOSAL

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 information;
(c) freedom of peaceful assembly; and
(d) freedom of association.

- - -

(3) G-6.1 ('grands moyens' in French version becomes 'moyens'): Approved 22/1.

(4) G-6 (division of (c) into (c) and (d)): Approved 22/1.

CONSERVATIVE PARTY PROPOSAL

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 information;
c) freedom of peaceful assembly;
d) freedom of association; and
e) freedom from unreasonable interference with privacy, family, home, correspondence, and enjoyment of property.

- - -

(6) CP-2 (add (e)): Defeated 22/1.

N.D.P. PROPOSAL

Every person has the following fundamental freedoms:

a) freedom of conscience and religion;
b) freedom of thought, belief, opinion and expression,
c) freedom of the press and other media of communication; and
d) freedom of assembly and of association including the freedom to organize and bargain collectively.

- - -

(1) N-2 ('everyone' becomes 'every person'): Defeated 22/1.

(2) N-3 (a) (Division of 2(b) into (b) and (c)): Defeated 22/1.

N-3 (b) ('information' becomes 'communication'): Approved 22/1.

(5) N-4 (Delete 'peaceful' and add organize collectively): Defeated 22/1.

COMMENT

22/1: Clause 2 approved in both languages as amended by N-3(b) and G-6.

	GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
Democratic rights of citizens	*Democratic Rights* 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.	No proposal.	Consistent with the principles of free and democratic elections to the House of Commons and to the legislative assemblies of the provinces, and of universal suffrage for that purpose, every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly, to be a candidate for election thereto and to be qualified for membership therein, without any distinction or limitation that cannot be demonstrably justified and, in any case, without any distinction on any grounds set out in sub-section 15(1) other than the ground of age.
	- - -		- - -
	(2) G-7: Approved 22/1.		(1) N-5: Defeated 22/1.

COMMENT

22/1: Clause 3 approved in both languages as amended by G-7.

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL 26/1 Revised 27/1
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.	No proposal.	
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 if 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.		4. (2) In time of real or <u>imminent</u> 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 <u>present and voting</u>, as the case may be.
		(3) No continuation under subsection (2) of the House of Commons or a legislative assembly beyond five years shall last longer than six months but a continuation may be renewed under that subsection before it expires.
- - -		- - -
(1) G-8 ('du rapport' in French version becomes 'fixée pour le retour'): <u>Approved</u> 22/1.		(2) N-6(a) (imminent): <u>Defeated</u>: 22/1. N-6(b) (present and voting): <u>Defeated</u> 22/1. N-6(c) (semi-annual vote): <u>Defeated</u> 22/1.

COMMENT

22/1: Clause 4 <u>approved</u> in both languages as amended by G-8.

AMENDMENTS PROPOSED BY PROGRESIVE CONSERVATIVE AND NDP PARTIES

JAN. 1981

CONSTITUTION ACT, 1981

GOVERNMENT PROPOSAL

Annual sitting of legislative bodies

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

CONSERVATIVE PARTY PROPOSAL

Renumber Clause 5 as Clause 4(3), and insert the following:

Right To Information

5. Everyone has the right to have reasonable access to information under the control of any institution of any government.

\- - -

(1) CP-3: Defeated 22/1.

N.D.P. PROPOSAL

Sub-amendment to CP-3:

Right To Information

5. Everyone has the right to have reasonable access to information under the control of any institution of the government of Canada or any provincial or local government.

\- - -

(2) N-7: Defeated 22/1.

COMMENT

22/1: Clause 5 approved in both languages without amendment.

CONSTITUTION ACT, 1981

CLAUSE 6

26/1
Revised 27/1

GOVERNMENT PROPOSAL

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.

CONSERVATIVE PARTY PROPOSAL

No proposal.

- - -

RE: NDP PROPOSAL

(1) N-8 (citizenship inalienable): Defeated 22/1.

(2) N-9 (add para 4(c) laws or practices re: aboriginal peoples): Defeated 27/1

N.D.P. PROPOSAL

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

(2) Canadian citizenship that is lawfully acquired is inalienable.

(3) 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.

(4) The rights specified in subsection (3) 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; and

(c) any laws or practices that are reasonably justiable for the purpose of mitigating any environmental or social impact of any activity on the community, culture, economy or society of any of the aboriginal peoples of Canada.

COMMENT

27/1: Clause 6 approved in both languages without amendment.

AMENDMENTS PROPOSED BY PROGRESIVE

CONSTITUTION ACT, 1981

CLAUSE 7

26/1

Revised 27/1

GOVERNMENT PROPOSAL

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.

CONSERVATIVE PARTY PROPOSAL

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 principles of natural justice.

\- - -

(2) CP-4(a) (enjoyment of property) Defeated 27/1

CP-4(b) (natural justice) Defeated 27/1

N.D.P. PROPOSAL

7. Every individual 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 principles of natural justice including the principles of due process of law.

\- Insert after Clause 7 the following: ıg:

Fair hearing

8. Everyone has the right to a fair hearing in accordance with the principles of fundamental justice for the determination of rights and obligations.

Privacy

9. Everyone has the right to protection against arbitrary or unreasonable interference with privacy.

And renumber subsequent clauses accordingly.

\- - -

(1) N-9.1 ('everyone' becomes 'every individual'): Defeated 23/1.

(3) N-10 (due process of law): Defeated 27/1

(4) N-11(a) (Fair hearing) Defeated 27/1

N-11(b) (privacy) Defeated 27/1

COMMENT

27/1: Clause 7 approved in both languages without amendment.

CONSTITUTION ACT, 1981

CLAUSE 8

26/1
Revised 27/1

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
Search and seizure 8. Everyone has the right to be **secure** against unreasonable search or seizure.	No proposal.	8. "Everyone has the right not to be subjected to unreasonable search or seizure of person or property."
- - -		- - -
(1) G-9 (unreasonable search or seizure). Approved 27/1 NOTE: This is changed from the Government Proposal of Jan 12: "search and seizure".		(2) N-12 (Seizure of person or property). Defeated 27/1

COMMENT

27/1: Clause 8 approved in both languages as amended.

CONSTITUTION ACT, 1981

CLAUSE 9
26/1

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
Detention or imprisonment 9. Everyone has the right not to be arbitrarily detained or imprisoned.	9. Everyone has the right not to be arbitrarily detained, imprisoned, or deported.	No proposal.
- - -	- - -	
(1) G-10 (arbitrarily detained or imprisoned). Approved 27/1.	(2) CP-5 (or deported) Defeated 27/1.	

COMMENT

Clause 9 approved in both languages as amended.

AMENDMENTS PROPOSED BY PROGRESSIVE

CONSTITUTION ACT, 1981

CLAUSE 10

26/1
Revised 27/1
Revised 28/1

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
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.	No proposal.	10. Everyone has the right on arrest or detention (a) to be informed promptly or 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; (d) if without sufficient means to pay for counsel and if the interests of justice so require, to be provided with counsel; (e) to protection against self-incrimination from the moment of arrest and the right to be informed of that right.
- - -		- - -
(1) G-11 (informed of right to counsel). Approved 27/1		(2) N-13(a) (provision of counsel) Defeated 27/1 N-13(b) (self-incrimination) Defeated 27/1

COMMENT

28/1: Clause 10 approved in both languages as amended.

CONSTITUTION ACT, 1981

CLAUSE 11 (Page 1)
PARAGRAPHS (a) to (d)*

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL 26/1 Revised 27/1 Revised 28/1
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;	No proposal.	(c) not to be compelled to be a witness in proceedings against that person in respect of the offence; or to confess guilt;

- - -

(1) G-11 ('anyone' becomes 'any person'). Approved 28/1

(2) Paragraph (a)*
(2.1) G-12 (to be informed without unreasonable delay) Approved 28/1
NOTE: This is changed from the Government Proposal of January 12: "without unreasonable delay" replaces "promptly".

(3) New Paragraph after (b)*
(3.1) G-13 (new para (c) and renumber: not witness in own trial) Approved 28/1

(4) Paragraph (d)*
(4.1) G-14 (renumbered as para (e): bail) Approved 28/1

- - -

(3.2) N-14 (or to confess guilt).
Defeated 28/1

*NOTE: These paragraph references are those in Clause 11 as tabled on October 6/80.

CONSTITUTION ACT, 1981

CLAUSE 11 (Page 2)
PARAGRAPH (e)*

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL 26/1 Revised 27/1 Revised 28/1
11. (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;		(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 two 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 principles of law recognized by the community of nations;	(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 principles of law recognized by the community of nations;	
- - -	- - -	- - -
(5) New Paragraph after Paragraph (d)*		
(5.1) G-15 (new para (f) and renumber: trial by jury). Approved 28/1		(5.2) N-15 (two years) Defeated 28/1
(6) Paragraph (e)*		
(6.1) G-16 (renumber as para (g): (not offence when committed). Not acted on. NOTE: This is changed from the Government Proposal of January 12, where para (g) was proposed as follows: "(g) not to be found guilty on account of any act or omission that at the time of the act or omission did not constitute an offence under Canadian or international law;"	(6.2) CP-6 (identical to G-16) Approved 28/1	

*NOTE: These paragraph references are those in Clause 11, as tabled on October 6, 1980.

GOVERNMENT PROPOSAL

11. (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.

- - -

(7) Paragraph (f)*

(7.1) G-17 (renumbered as para (h): (no second trial or punishment). Approved 28/1

NOTE: This is changed from the Government Proposal of January 12, where para (h) was proposed as follows:

"(h) if finally convicted or acquitted of the offence in Canada, not to be tried for it again and, if so convicted, not to be punished for it more than once; and"

(8) Paragraph (g)*

(8.1) G-18 (renumbered as para (i): punishment varied) Approved 28/1

NOTE: This is changed from the Government Proposal of January 12, where para (i) was proposed as follows:

"(i) if convicted 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."

CONSERVATIVE PARTY PROPOSAL

N.D.P. PROPOSAL 26/1 Revised 27/1 28/1

(h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty of and punished for any act or omission constituting 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 after the time of commission, to the benefit of the lesser punishment;

(j) to be confronted with prosecution witnesses; and

(k) to have compulsory process to obtain witnesses.

- - -

(7.2) N-16 (a sub-amendment to G-17: acts or omissions constituting offence) Defeated 28/1

(8.2) N-17 (a sub-amendment to G-18: after time of commission) Defeated 28/1

(9) New Paragraphs

(9.1) N-18(a) (prosecution witnesses) and, N-18(b) (compulsory process) Defeated 28/1

*NOTE: These paragraph references are those in Clause 11, as tabled on October 6, 1980.

COMMENT

28/1: Clause 11 approved in both languages as amended.

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL 26/1 Revised 27/1 Revised 28/1
Treatment or punishment 12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.	No proposal.	12. Everyone has the right not to be subjected to any cruel, <u>inhuman or degrading</u> treatment or punishment.

- - -

(1) N-19 (inhuman or degrading),
<u>Defeated</u> 28/1

COMMENT

28/1: Clause 12 <u>approved</u> in both languages without amendment.

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
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.	No proposal.	No proposal.

- - -

(1) G-19 (self-incrimination)
Approved 28/1

COMMENT

28/1: Clause 13 approved in both languages as amended.

CONSTITUTION ACT, 1981

CLAUSE 14

26/1
Revised 27/1
Revised 28/1

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
Inter-preter 14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted has the right to the assistance of an 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.	14. Every person has the right to the assistance of an interpreter in any proceedings before a court, tribunal, commission, board or other authority in which the person is involved or is a party or witness if the person does not understand or speak the language in which the proceedings are conducted, or is subject to a hearing impairment.
- - -	- - -	- - -
	(2) CP-7-(deaf) Approved 28/1	(1) N-20 -- (interpreter) Defeated 28/1

COMMENT

28/1: Clause 14 approved in both languages as amended.

GOVERNMENT PROPOSAL

Equality Rights

Equality before and under the law and equal protection and benefit of the 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 or age.

- - -

(1) G-20 (equality before and under the law) Approved 29/1

CONSERVATIVE PARTY PROPOSAL

(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.

- - -

(3) CP-8 (1) (mental or physical disability) Approved 28/1

N.D.P. PROPOSAL

27/1
Revised 30/1

(1) Every individual is equal in, before and under the law and has the right to equal protection and equal benefit of the law, and to access to employment, accommodation and public services, without unreasonable distinction on grounds including race, national or ethnic origin, colour, religion, sex or age, physical or mental disability, marital status, sexual orientation, political belief or lack of means.

Distinctions that are not reasonable

(2) For the purposes of subsection (1), no distinction based on sex, race, colour, religion or national or ethnic origin constitutes a reasonable distinction.

- - -

(?) N-21 (a) - equality in, before and under law Defeated 29/1
(b) - physical or mental disability Withdrawn 29/1
(c) - marital status Defeated 29/1
(d) - sexual orientation Defeated 29
(e) - political belief Defeated 29/1
(f) - lack of means Withdrawn 29/1
(g) - "or" Withdrawn 29/1

(4) N-22 (version if N-21 passes: sex, etc. not reasonable distinction) Withdrawn 29/1

RE: NDP Proposal

NOTE: If N-21 is defeated, N-22 would instead be proposed as follows:

Distinctions that constitute discrimination

"(2) For the purposes of subsection (1) any distinction based on race, national or ethnic origin, colour, religion or sex constitutes discrimination."

Withdrawn 29/1

GOVERNMENT PROPOSAL

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 or age.

- - -

(1) G-21 (affirmative action)
Approved 29/1

CONSERVATIVE PARTY PROPOSAL

(2). Subsection (1) does not preclude any statutory distinction that has as its object the amelioration of the condition of any class of persons.

- - -

(2) CP-8 (2) (statutory distinctions)
Defeated 29/1

(4) CP-8 (3) (mental or physical disability)
Approved 29/1

N.D.P. PROPOSAL Revised 28/1 Revised 30/1 2/2

(3) Subsection (1) does not preclude any law, program or activity that has as it object the amelioration of conditions of disadvantaged classes of individuals including those that are disadvantaged on grounds specified in that subsection.

(4) Subsection (1) shall not be interpreted so as to deny or limit the recognition of the aboriginal and treaty rights of the aboriginal peoples of Canada.

- - -

(3) N-23 (individuals omitted)
Defeated 29/1

New Subclause (3) (numbered (4) above): N-23.1
(aboriginal rights)
Defeated 29/1

COMMENT

29/1: Clause 15 approved in both languages as amended.

CONSTITUTION ACT, 1981

CLAUSE 16
26/1
Revised 30/1

GOVERNMENT PROPOSAL

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.

Extension 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.

\- - -

(1) G-22 (a) (official languages of New Brunswick)

(b) (advanced equality of status)
Approved 29/1

CONSERVATIVE PARTY PROPOSAL

No proposal

N.D.P. PROPOSAL

No proposal.

COMMENT

29/1: Clause 16 approved in both languages as amended.

CONSTITUTION ACT, 1981

CLAUSE 17

26/1

Revised 28/1
Revised 30/1
Revised 6/2

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
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.	No proposal.	No proposal.

- - -

(1) G-23 (proceedings of New Brunswick legislature)
Approved 29/1

COMMENT

29/1: Clause 17 approved in both languages as amended.

5/2: G-23.1 - Technical amendment to the French version - approved.

GOVERNMENT PROPOSAL

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.

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

No proposal.

- - -

(1) G-24 (New Brunswick statutes and records)
Approved 29/1

COMMENT

29/1: Clause 18 approved in both languages as amended.

CONSTITUTION ACT, 1981

CLAUSE 19

27/1
Revised 28/1
Revised 30/1
Revised 6/2

GOVERNMENT PROPOSAL

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.

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

No proposal.

- - -

(1) G-25 (New Brunswick court proceedings)
Approved 29/1

COMMENT

29/1: Clause 19 approved in both languages as amended.

5/2: G-25.1 - Technical amendment to the French version - approved.

CONSTITUTION ACT, 1981

CLAUSE 20

GOVERNMENT PROPOSAL

Communications 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.

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

27/1
Revised 30/1
Revised 6/2

No proposal.

- - -

(1) G-26 (communications with government institutions)

Approved 29/1

COMMENT

29/1: Clause 20 approved in both languages as amended.

5/2: G-26.1 - Technical amendment to the English version (missing line inserted) - approved.

GOVERNMENT PROPOSAL

No proposal.

CONSERVATIVE PARTY PROPOSAL

Extension of application of certain language rights

"30. (1) The legislative assembly of each province to which subsection 16(2), 17(2), 18(2), 19(2) or 20(2) does not expressly apply may, by resolution, authorize the issuance by the Governor General of a proclamation under the Great Seal of Canada declaring that any of those provisions

(a) has application in the province; or

(b) has application in the province to the extent and under the conditions stated in the resolution.

Effect of proclamation

(2) Where the legislative assembly of a province authorizes the issuance of a proclamation declaring that a subsection referred to in subsection (1) has application in the province, the proclamation may be issued notwithstanding any other provision of this Act respecting the procedures for amending the Constitution of Canada and shall

(a) if the subsection is to apply in the province without any limitations or conditions, amend the subsection to include the province as a province named in the subsection; or

(b) if the subsection is to apply in the province to the extent or under conditions stated in the resolution authorizing the issue of the proclamation, subject to section 22 so apply in the province and, for purposes of amendment, be deemed to be a provision of the Constitution of Canada that applies to one or more but not all provinces. "

N.D.P. PROPOSAL 28/1 Revised 29/1 Revised 30/1 Revised 3/2

No proposal.

- - -

(1) CP-14 (extension of language rights)
Withdrawn 3/2

- renumber

COMMENT *3/2:* *Withdrawn, but substance to be covered by G-34.1 (New Clause after Clause 34) and G-39.1 (New Clause after Clause 43).*

CONSTITUTION ACT, 1981

CLAUSE 21

27/1
Revised 28/1
Revised 30/1

GOVERNMENT PROPOSAL

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.

- - -

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

No proposal.

COMMENT

29/1: Clause 21 approved in both languages.

CONSTITUTION ACT, 1981

CLAUSE 22

27/1
Revised 30/1

GOVERNMENT PROPOSAL

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.

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

No proposal.

COMMENT

29/1: Clause 22 approved in both languages.

GOVERNMENT PROPOSAL

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 thier 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

. . . /2

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

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

Action by provincial legislatures

(2) In each province, the legislature may, consistent with the right guaranteed by subsection (1), enact provisions for defining the term "English speaking or French speaking minority population" and for determining whether the number of children of citizens of Canada who have a right guaranteed by subsection (1) resident in an area of the province is sufficient to warrant the provision out of public funds of minority language educational facilities in that area.

- - -

(2) N-28 (schools where sufficient residents in area)
Defeated 29/1

CONSTITUTION ACT, 1981

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL 26/1 Revised 30/1
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.		

- - -

(1) G-27 (language of instruction) Approved 29/1

NOTE: This is changed from the Government Proposal of Jan. 12 where subclause (3) was proposed as follows:

Application where numbers warrant | (3) The right of citizens of Canada under this section to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province applies where they reside in an area of the province in which the number of children of citizens who have such a right is sufficient to warrant the provision out of public funds of minority language instruction in that area.

COMMENT

29/1: Clause 23 approved in both languages as amended.

CONSTITUTION ACT, 1981

NEW CLAUSE AFTER CLAUSE 23
Enforcement Revised 28/1
Revised 29/1
N.D.P. PROPOSAL Revised 30/1

GOVERNMENT PROPOSAL

"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 is not consistent with any rights and 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."

- - -

(1) G-28 (enforcement) - Approved 29/1

NOTE: This is changed from the Government Proposal of January 12 where sub-clause (2) was not included.

CONSERVATIVE PARTY PROPOSAL

No proposal.

- - -

N.D.P. PROPOSAL

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 including the exclusion of evidence and the award of compensation as the court considers appropriate and just in the circumstances.

- - -

(2) N-30 (evidence and compensation)

Withdrawn 29/1

COMMENT

29/1: New Clause after Clause 23 approved in both languages. Numbering of clause contingent on amendments to clauses allowed to stand.

Clause 24
Revised 28/1
29/1//Revised 30/1
Revised 31/1
Revised 2/2

GOVERNMENT PROPOSAL

"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."

- - -

(1) G-29 (rights not affected by Charter)
After Debate - amended to delete the part in Clause 25, Approved, as amended 30/1

NOTE: This is changed from the Government Proposal of Jan 12, where the clause was proposed as follows.

General

25. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of
(a) any aboriginal, treaty or other rights or freedoms that may pertain to the aboriginal peoples of Canada including any right or freedom that may have been recognized by the Royal Proclamation of October 7, 1763; or
(b) any other rights or freedoms that may exist in Canada.

CONSERVATIVE PARTY PROPOSAL

25. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of
(a) any rights or freedoms that may pertain to any cultural community; or
(b) any other rights or freedoms that may exist in Canada.

- - -

(2) CP-9 (rights of cultural community)
Withdrawn

N.D.P. PROPOSAL

COMMENT

30/1: Clause 24 approved, as amended, in both languages.

NOTE: The part of G-29 in Clause 25 becomes a new amendment, G-29.2. G-29.2 and CP-9 are tabled under New Clause after Clause 24.

CONSTITUTION ACT, 1981

NEW CLAUSE AFTER CLAUSE 24

31/1
Revised 2/2
Revised 6/2

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
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."**	25. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of (a) any rights or freedoms that may pertain to any cultural community; or (b) any other rights or freedoms that may exist in Canada.	No proposal.
- - -	- - -	
(1) G-29.2 - (rights not affected by Charter) - renumber	(2) CP-9 (rights of cultural community) Withdrawn after debate 31/1	

COMMENT

31/1: The New Clause after Clause 24 was approved in both languages as proposed in G-29.2.

CONSTITUTION ACT, 1981

CLAUSE 25

28/1

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL Revised 30/1 Revised 2/2 Revised 6/2
STRIKE OUT: General 25. Primacy of Charter Any law that is inconsistent with the provisions of this Charter is, to the extent of such inconsistency, inoperative and of no force or effect.	No proposal.	No proposal.

- - -

(1) G-30 (strike out clause)

- renumber

COMMENT

31/1: Clause 25 was defeated.

CONSTITUTION ACT, 1981

NEW CLAUSE AFTER CLAUSE 25

GOVERNMENT PROPOSAL

Interpretation of Charter

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

- - -

(1) G-31 (multicultural heritage)

renumber

Approved 31/1

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL 28/1 Revised 30/1 Revised 2/2 Revised 6/2

This Charter shall be interpreted in a manner that

(a) is consistent with the preservation and enhancement of the multicultural heritage of Canadians; and

(b) ensures the distinct cultural, economic and linguistic identities of the aboriginal peoples of Canada.

- - -

(2) N-32 (identities of aboriginal peoples)

Defeated 31/1

COMMENT

31/1: The New Clause after Clause 25 was approved in both languages as proposed in G-31.

CONSTITUTION ACT, 1981

CLAUSE 26

28/1
Revised 29/1
N.D.P. PROPOSAL Revised 30/1
Revised 2/2
Revised 6/2

GOVERNMENT PROPOSAL

STRIKE OUT:

Laws respecting evidence

26. No provision of this Charter, other than section 13, affects the laws respecting the admissibility of evidence in any proceedings on the authority of Parliament or a legislature to make laws in relation thereto.

- - -

(1) G-32 (strike out clause)

- renumber

CONSERVATIVE PARTY PROPOSAL

Laws respecting evidence not affected

26. (1) No provision of this Charter, other than section 13, affects the laws respecting the admissibility of evidence in any proceedings or the authority of Parliament or a legislature to make laws in relation thereto.

Exclusion of evidence bringing administration of justice into disrepute

(2) Notwithstanding subsection (1), in any proceedings, evidence shall be excluded if it is established that it was obtained under such circumstances that the use of it in the proceedings would tend to bring the administration of justice into disrepute.

- - -

(2) CP-10 (reinstate modified clause)

Withdrawn 29/1

N.D.P. PROPOSAL

No proposal.

COMMENT

31/1: Clause 26 was defeated.

CONSTITUTION ACT, 1981

NEW CLAUSE AFTER CLAUSE 26

GOVERNMENT PROPOSAL

27. 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.

- - -

(2) G-32.1 (denominational schools) (sub-amendment to CP-11)
Approved 29/1

NOTE: The Government Proposal of January 12, 1981 did not include this section or any other reference to denominational, etc. schools.

CONSERVATIVE PARTY PROPOSAL

27. Nothing in this Charter affects or abrogates or derogates from section 17 of the Schedule to the Newfoundland Act.

- - -

(1) CP-11 (S. 17 of Newfoundland Act)
renumber
Approved 29/1

28/1
N.D.P. PROPOSAL Revised 30/1
Revised 6/2

No proposal.

COMMENT

29/1: Clause 26 approved in both languages as amended.

5/2: G-T - Technical amendment ("No provision of" becomes "Nothing in") - approved.

CONSTITUTION ACT, 1981

CLAUSE 27

27/1
Revised 2/2

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
Application to territories and territorial authorities 27. 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.	No proposal.	No proposal.

- - -

COMMENT

30/1: Clause 27 was approved in both languages without amendment.

- renumber

GOVERNMENT PROPOSAL

No proposal.

- - -

CONSERVATIVE PARTY PROPOSAL

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

- - -

(1) CP-12 - (abortion and capital punishment)

- renumber

Defeated 30/1

N.D.P. PROPOSAL 28/1 Revised 2/2

No proposal.

- - -

COMMENT

30/1: The New Clause after Clause 27 was defeated.

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
Legislative powers not extended 28. Nothing in this Charter extends the legislative powers of any body or authority.	No proposal.	No proposal.

COMMENT

30/1: Clause 28 was approved in both languages without amendment.

CONSTITUTION ACT, 1981

CONSERVATIVE PARTY PROPOSAL

Obligation to Examine Regulations and Bills

GOVERNMENT PROPOSAL

No proposal.

Duties of Minister of Justice

29(1). The Minister of Justice shall, in accordance with such regulations as may be prescribed by the Governor General in Council, examine every regulation transmitted to the Clerk of the Privy Council for registration and every Bill introduced in or presented to the House of Commons, in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of this Charter and shall report any such inconsistency to the House of Commons at the first convenient opportunity.

Duties of Attorney General of Province

29(2). The Attorney General of a province shall, in accordance with such regulations as may be prescribed by the Lieutenant Governor in Council of the province, examine every proposed regulation in draft form and every Bill introduced in or presented to the legislative assembly of the province in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of this Charter and shall report any such inconsistency to the legislative assembly at the first convenient opportunity.

(1) CP-I3 (duty to examine Bills) Defeated 30/1 renumber

NEW CLAUSE AFTER CLAUSE 28

N.D.P. PROPOSAL — 28/1 Revised 30/1

No proposal. — Revised 2/2

COMMENT

30/1: The New Clause after Clause 28 was defeated.

GOVERNMENT PROPOSAL

CONSERVATIVE PARTY PROPOSAL

N.D.P. PROPOSAL

28/1
Revised 29/1
Revised 30/1
Revised 2/2
Revised 6/2

Application of Charter

Application of Charter

29. (1) This Charter applies
(a) to the Parliament and government of Canada and to 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 and to all matters within the authority of the legislature of each province.

No proposal.

Exception

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

29. (2) Notwithstanding subsection (1), section 15 insofar as it relates to age and physical and mental disability, shall not have application until one year after this Act, except Part V, comes into force.

- - -

- - -

(1) N-33 (coming into force of Clause 15)

Defeated 30/1

COMMENT

30/1: Clause 29 was approved in both languages without amendment.

5/2: G-T - Technical amendment ('application' becomes 'effect') - approved.

CONSTITUTION ACT, 1981

NEW CLAUSE AFTER CLAUSE 29

30/1
Revised 2/2

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL		N.D.P. PROPOSAL
No proposal.	No proposal.	Limitation on Fundamental Freedoms and Rights	"30 (1) The rights and freedoms set out in sections 2 and 6 are subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.
		Limitation on Legal rights	(2) In time of a public emergency that threatens the life of the nation or any part thereof, the existence of which is proclaimed by proclamation issued by the Governor General under the Great Seal of Canada and confirmed by a resolution approved by at least two thirds of the members of the House of Commons, the rights set out in section 7 and paragraphs 10(c) and 11(e) may be derogated from to the extent required by the exigencies of the emergency except that measures taken pursuant to this subsection shall not involve any distinction on a ground set out in subsection 15(1)."

\- - -

(1) N-1.1 (relocate Clause 1 and new protection for legal rights)

and renumber

NOTE: Cross-reference: Clause 1

After Debate, Amended to Delete Subclause (1).

As amended, Defeated 30/1

COMMENT

30/1: The New Clause after Clause 29, as amended, was defeated.

CONSTITUTION ACT, 1981

CLAUSE 30

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL 28/1 Revised 2/2
Citation		
Citation 30. This Part may be cited as the *Canadian Charter of Rights and Freedoms*.	No proposal.	No proposal.

COMMENT

30/1: Clause 30 was approved in both languages without amendment.

CONSTITUTION ACT, 1981

NEW CLAUSE AFTER CLAUSE 30

31/1
Revised 2/2
Revised 6/2

GOVERNMENT PROPOSAL

CONSERVATIVE PARTY PROPOSAL

N.D.P. PROPOSAL

"PART II

Rights of the Aboriginal Peoples of Canada

Recognition of aboriginal and treaty rights

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

Definition "aboriginal peoples of Canada"

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

- - -

G-32-2 (rights of aboriginal peoples)

Approved 30/1

- renumber

NOTE: This clause was not included in the Government Proposal of January 12.

COMMENT

30/1: The New Clause after Clause 30 was approved in both languages as proposed in G-32.2.

CONSTITUTION ACT, 1981

CLAUSE 31

27/1
28/1
Revised 29/1
Revised 30/1
Revised 2/2

GOVERNMENT PROPOSAL

PART II

EQUALIZATION AND REGIONAL DISPARITIES

Commitment to promote equal opportunities

31. (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.

- - -

(2) G-33 (principle of equalization payments)

Approved 30/1

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

31. (1)(d) fully implementing the International Covenant on Economic, Social and Cultural Rights and the goals of a clean and healthy environment and safe and healthy working conditions.

- - -

(1) N-34 (U.N. Covenant on Economic etc. Rights)

Defeated 30/1

COMMENT

30/1: Clause 31 approved in both languages, as amended.

GOVERNMENT PROPOSAL

PART III

CONSTITUTIONAL CONFERENCES

Constitutional conferences

32. (1) Until Part V comes into force, 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 at least once in every year.

Participation of aboriginal peoples

(2) 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 such 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.

- - -

(2) G-34 (discussions re aboriginal peoples) Approved 2/2

NOTE: This is changed from the Government Proposal of January 12, where clause 32 was limited to 32(1) above and the following "...once in every year unless, in any year, a majority of those composing the conference decide that it shall not be held."

CONSERVATIVE PARTY PROPOSAL

Constitutional Conference of Canada

(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".

Duties of Conference

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

Meetings

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

Assistance by Ministers

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

Subclause (3)

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 of 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."

- - -

(1) CP-15 (permanent constitutional conference) Defeated 2/2

(4) CP-15.1 - (Yukon and N.W.T.) Approved 2/2

CLAUSE 32

N.D.P. PROPOSAL 27/1, 28/1, Revised 29/1, Revised 30/1, Revised 2/2, Revised 3/2

Participation of aboriginal peoples

(2) One representative of each of the Indian, Inuit and Metis peoples of Canada shall be invited to participate in a conference convened under subsection (1) in respect of matters on the agenda that affect them and in accordance with rules to be established by the Governor General in Council or by such other person or body as may be authorized to make such rules by the Governor General in Council.

- - -

(3) N-35 (G-34 with more detail) Withdrawn 2/2.

COMMENT 2/2: Clause 32 approved in both languages as amended.

CONSTITUTION ACT, 1981

CLAUSE 33

27/1
28/1
Revised 30/1
Revised 3/2

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
PART IV INTERIM AMENDING PROCEDURE AND RULES FOR ITS REPLACEMENT Interim procedure for amending Constitution of Canada 33. Until Part V comes into force, 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 by the legislative assembly or government of each province.	Strike out Clause 33 and renumber	No proposal.

- - -

Clause 33-40
(1) CP-16 (strike out Part IV)
Not Moved

- - -

COMMENT

3/2: Clause 33 approved in both languages.

CLAUSE 34

27/1
28/1

GOVERNMENT PROPOSAL

Amendment of provisions relating to some but not all provinces

34. Until Part V comes into force, an amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces 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 by the legislative assembly or government of each province to which the amendment applies.

- - -

CONSERVATIVE PARTY PROPOSAL

Strike out Clause 34 and renumber

- - -

Clauses 33-40

(1) CP-16 (strike out Part IV)
Not Moved

N.D.P. PROPOSAL

Revised 30/1
Revised 3/2

No proposal.

- - -

COMMENT

3/2: Clause 34 approved in both languages.

CONSTITUTION ACT, 1981

FIRST NEW CLAUSE AFTER CLAUSE 34
2/2

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL Revised 3/2 Revised 6/2
Amendments respecting certain language rights "35. (1) Notwithstanding section 36, 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."	No proposal.	No proposal.
Initiation of amendment (2) The procedure for amendment prescribed by subsection (1) may be initiated only by the legislative assembly of the province to which the amendment relates."		

- - -

(1) G-34.1 (Language Rights amendments)
Approved 3/2
- renumber

Note: This clause was not included in the Government Proposal of Jan. 12. (Cross Ref: New Clause after Clause 20)

COMMENT

3/2: The New Clause after Clause 34 was approved in both languages as proposed in G-34.1.

5/2: G-T - Technical amendment ('described in' becomes 'prescribed by') - approved.

CONSTITUTION ACT, 1981

SECOND NEW CLAUSE AFTER CLAUSE 34

2/2

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL Revised 3/2
Amendment of aboriginal and treaty rights "~~36~~. The rights recognized and affirmed by section 31 may be modified (a) in the case of rights of aboriginal peoples of Canada within one or more provinces, in accordance with the appropriate procedure for amending the Constitution of Canada; and (b) in the case of rights of aboriginal peoples of Canada in areas of Canada outside the provinces, by Parliament."	No proposal.	No proposal.

- - -

(1) G-34.2 (aboriginal rights)
Withdrawn 3/2

Note: This clause was not included in the Government proposal of Jan. 12.

COMMENT
3/2: Withdrawn.

CONSTITUTION ACT, 1981

CLAUSE 35

27/1 28/1

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL Revised 30/1 Revised 3/2 Revised 6/2
Rules applicable to amendment procedures 35. (1) The procedures for amendment prescribed by sections 33 and 34 may be initiated either by the Senate or House of Commons or by the legislative assembly or government of a province. Idem (2) A resolution made or other authorization given for the purposes of this Part may be revoked at any time before the issue of a proclamation authorized by it.	Strike out Clause 35 and renumber	No proposal.
- - -	- - -	- - -

Clauses 33-40

(1) CP-16 (strike out Part IV)
Not Moved

COMMENT

3/2: Clause 35 approved in both languages.
5/2: G-T- Technical amendment ("described in" becomes "prescribed by") - Approved

AMENDMENTS PROPOSED BY PROGRESIVE CONSERVATIVE AND NDP PARTIES

JAN. 1981

CONSTITUTION ACT, 1981

CLAUSE 36

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
Limitation on use of interim amendment procedure 36. Sections 33 and 34 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 procedure prescribed by section 33 shall be used to amend the *Canadian Charter of Rights and Freedoms* and any provision for amending the Constitution, including this section.	Strike out Clause 36 and renumber	No proposal.

27/1
28/1
Revised 30/1
Revised 3/2

- - -

(1) G-35 (delete "revision of Constitution)

Approved 3/2

- - -

Clauses 33-40

(1) CP-16 (strike out Part IV)

Not Moved

COMMENT

3/2: Clause 36 approved in both languages, as amended.

AMENDMENTS PROPOSED BY PROGRESIVE CONSERVATIVE AND NDP PARTIES

JAN. 1981

CONSTITUTION ACT, 1981

CLAUSE 37

31/1

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL Revised 4/2
Coming into force of Part V 37. Part V shall come into force (a) with or without amendment, on such day as may be fixed by proclamation issued pursuant to the procedure prescribed by section 33, or (b) on the day that is two years after the day this Act, except Part V, comes into force, whichever is the earlier day but, if a referendum is required to be held under subsection 38(3), Part V shall come into force as provided in section 39.	Strike out Clause 37 and renumber	No proposal.

- - -

Clauses 33-40

(1) CP-16 (strike out Part IV)

Not Moved

COMMENT

3/2: Clause 37 approved in both languages.

CONSTITUTION ACT, 1981

CLAUSE 38 (1) & (2)
(PAGE 1)

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
		27/1 28/1 Revised 30/1 Revised 4/2
Provincial alternative procedure 38. (1) The legislative assemblies of seven or more provinces that have, according to the then latest general census, combined populations of at least eighty per cent of the population of all the provinces may make a single proposal to substitute for paragraph 41(1)(b) such alternative as they consider appropriate.	Strike out Clause 38 and renumber	No proposal.
Procedure for perfecting alternative (2) One copy of an alternative proposed under subsection (1) may be deposited with the Chief Electoral Officer of Canada by each proposing province within two years after this Act, except Part V, comes into force but, prior to the expiration of that period, any province that has deposited a copy may withdraw that copy.		

- - -

Clauses 33-40

(1) CP-16 (strike out Part IV)

Not Moved

. . . /2

GOVERNMENT PROPOSAL

CONSERVATIVE PARTY PROPOSAL

N.D.P. PROPOSAL

27/1
28/1
Revised 29/1
Revised 30/1
Revised 4/2
Revised 5/2
Revised 6/2

Referendum

(3) Where copies of an alternative have been deposited as provided by subsection (2) and, on the day that is two years after this Act, except Part V, comes into force, at least seven copies remain deposited by provinces that have, according to the then latest general census, combined populations of at least eighty per cent of the population of all the provinces, the government of Canada shall cause a referendum to be held within two years after that day to determine whether

(a) paragraph 41(1)(b) or any alternative thereto approved by resolutions of the Senate and House of Commons and deposited with the Chief Electoral Officer at least ninety days prior to the day on which the referendum is held, or

(b) the alternative proposed by the provinces, shall be adopted.

- - -

(1) G-36 (a) (seven provinces)

(b) deposited, Parliament)
Approved 4/2

COMMENT

4/2: A sub-amendment was made to G-36(b) by unanimous consent. The word "Parliament" in 3(a) is deleted and replaced by "resolutions of the Senate and House of Commons".

Clause 38 approved in both languages as amended.

GOVERNMENT PROPOSAL

Coming into force of Part V where Referendum held

39. Where a referendum is held under subsection 38(3), a proclamation under the Great Seal of Canada shall be issued within six months after the date of the referendum bringing Part V into force with such modifications, if any, as are necessary to incorporate the proposal approved by a majority of the persons voting at the referendum and with such other changes as are reasonably consequential on the incorporation of that proposal.

CONSERVATIVE PARTY PROPOSAL

Strike out Clause 39 and renumber

27/1

N.D.P. PROPOSAL 28/1

Revised 30/1
Revised 5/2

No proposal.

- - -

Clauses 33-40

(1) CP-16 (strike out Part IV)

Not Moved

COMMENT

4/2: Clause 39 approved in both languages.

GOVERNMENT PROPOSAL

Right to vote

40. (1) Every citizen of Canada has, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society, the right to vote in a referendum held under section 38(3).

Establishment of Referendum Rules Commission

(2) If a referendum is required to be held under subsection 38(3), a Referendum Rules Commission shall forthwith be established by commission issued under the Great Seal of Canada consisting of

(a) the Chief Electoral Officer of Canada, who shall be chairman of the Commission;
(b) a person appointed by the Governor General in Council; and
(c) a person appointed by the Governor General in Council
(i) on the recommendation of the governments of a majority of provinces, or
(ii) if the governments of a majority of provinces do not recommend a candidate within thirty days after the Chief Electoral Officer of Canada requests such a recommendation, on the recommendation of the Chief Justice of Canada from among persons recommended by the governments of the provinces within thirty days after the expiration of the first mentioned thirty day period or, if none are so recommended, from among such persons as the Chief Justice considers qualified.

CONSERVATIVE PARTY PROPOSAL

Strike out Clause 40 and renumber

- - -

Clauses 33-40

(1) CP-16 (strike out Part IV)
Not Moved

N.D.P. PROPOSAL

No proposal.

27/1
28/1
Revised 30/1
Revised 4/2
Revised 5/2

GOVERNMENT PROPOSAL

Duty of Commission

(3) A Referendum Rules Commission shall cause rules for the holding of a referendum under subsection 38(3) approved by a majority of the Commission to be laid before Parliament within sixty days after the Commission is established or, if Parliament is not then sitting, on any of the first ten days thereafter that Parliament is sitting.

Rules for referendum

(4) Subject to subsection (1) and taking into consideration any rules approved by a Referendum Rules Commission in accordance with subsection (3), Parliament may enact laws respecting the rules applicable to the holding of a referendum under subsection 38(3).

Proclamation

(5) If Parliament does not enact laws under subsection (4), respecting the rules applicable to the holding of a referendum within sixty days after receipt of a recommendation from a Referendum Rules Commission the rules recommended by the Commission shall forthwith be brought into force by proclamation issued by the Governor General under the Great Seal of Canada.

CONSERVATIVE PARTY PROPOSAL

27/1

N.D.P. PROPOSAL

28/1
Revised 30/1
Revised 4/2
Revised 6/2

No proposal.

. . . /3

GOVERNMENT PROPOSAL

Computation of period

(6) Any period when Parliament is prorogued or dissolved shall not be counted in computing the sixty day period referred to in subsection (5).

Rules to have force of law

(7) Subject to subsection (1), rules made under this section have the force of law and prevail over other laws made under the Constitution of Canada to the extent of any inconsistency.

- - -

(1) G-37 (referendum rules committee)
Approved 4/2

NOTE: This clause is changed from the Government Proposal of Jan 12, where subclause 40(1) read as follows:

" 40. (1) Every citizen of Canada has, without unreasonable distinction or limitation, the right to vote in a referendum held under subsection 38(3)."

CONSERVATIVE PARTY PROPOSAL

N.D.P. PROPOSAL

27/1
28/1
Revised 30/1
Revised 4/2
Revised 5/2
Revised 6/2

No proposal.

COMMENT

4/2: Approved in both languages as amended.

5/2: G-T - Technical Amendment (relocate phrase "under subsection (4)") and approved.

GOVERNMENT PROPOSAL

PART V

PROCEDURE FOR AMENDING CONSTITUTION OF CANADA

General procedure for amending Constitution of Canada

41. (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 a majority of the provinces that includes

(i) every province that at any time before the issue of the proclamation had, according to any previous general census, a population of at least twenty-five per cent of the population of Canada,

(ii) two or more of the Atlantic provinces, and

(iii) two or more of the Western provinces that have in the aggregate, according to the then latest general census, a population of at least fifty per cent of the population of all of the Western provinces.

definitions Atlantic provinces

(2) In this section, "Atlantic provinces" means the provinces of Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland;

Western Provinces

"Western provinces" means the provinces of Manitoba, British Columbia, Saskatchewan and Alberta.

- - -

(2) G-38 (Atlantic, Western provinces)
(i) (Atlantic provinces) Approved 2/2
(ii) (Western provinces) Approved 2/2

CONSERVATIVE PARTY PROPOSAL

(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, a population of at least fifty per cent of the population of all of the provinces.

Dissent by Province

(2) Where an amendment to the Constitution of Canada is authorized under subsection (1) that affects

(a) the powers of the legislature of a province to make laws,

(b) the rights or privileges granted or secured by the Constitution of Canada to the legislature or the government of a province,

(c) the assets or property of a province, or

(d) the natural resources of a province, and the legislative assembly of a province, has, by resolution, declined to authorize the amendment prior to the issue of the proclamation bringing it into force, the amendment has no effect in the province until the legislative assembly of the province by resolution approves the amendment.

Amendment of Amendment Procedure

(3) An amendment to this section may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the legislative assembly of eight or more provinces that have, in the aggregate, according to the then latest general census, a population of at least eighty per cent of the population of all of the provinces.

N.D.P. PROPOSAL

29/1
Revised 30/1
Revised 4/2

No proposal.

COMMENT

2/2: Clause 41 approved in both languages, as amended.

Conservative Party Proposal

(1) CP-17 ("Vancouver" formula) Defeated 2/2

CONSTITUTION ACT, 1981

CLAUSE 42 (1) (PAGE 1)

29/1

Revised 30/1
Revised 4/2

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
Amendment authorized by referendum 42. (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 referendum held throughout Canada under subsection (2) at which (a) a majority of persons voting thereat, and (b) a majority of persons voting thereat in each of the provinces, resolutions of the legislative assemblies of which would be sufficient, together with resolutions of the Senate and House of Commons, to authorize the issue of a proclamation under subsection 41(1), have approved the making of the amendment.	Strike out Clause 42 and renumber	Proclamations under subsections 41(1), and (c) a majority of persons voting thereat in Ontario, in Quebec, in the Atlantic provinces and in the Western provinces.

. . ./2

- - -

(1) CP-18 (delete clause)
Defeated 3/2

- - -

(2) N-36 (regional majority)
Defeated 2/2

NOTE: There ia a further change in the French version.

GOVERNMENT PROPOSAL

Authorization of referendum

(2) A referendum referred to in subsection (1) shall be held where directed by proclamation issued by the Governor General under the Great Seal of Canada, which proclamation may be issued where

(a) an amendment to the Constitution of Canada has been authorized under paragraph 41(1)(a) by resolutions of the Senate and House of Commons;
(b) the requirements of paragraph 41(1)(b) in respect of the proposed amendment have not been satisfied within twelve months after the passage of the resolutions of the Senate and House of Commons; and
(c) the issue of the proclamation has been authorized by the Governor General in Council.

Time limit for referendum

(3) A proclamation issued under subsection (2) in respect of a referendum shall provide for the referendum to be held within two years after the expiration of the twelve month period referred to in paragraph (b) of that subsection.

- - -

(3) G-39 (deadlock breaking mechanism)

Approved 3/2.

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

29/1
Revised 2/2
Revised 3/2

(c) the issue of the proclamation has been authorized by resolutions of the Senate and House of Commons after the expiration of the twelve months referred to in paragraph (b); and
(d) the issue of the proclamation has been authorized by resolutions of the legislative assemblies of at least four provinces after the expiration of the twelve months referred to in paragraph (b)."

- - -

(4) N-37 (resolution of four provinces)
Defeated 3/2.

COMMENT

3/2: Clause 42 approved in both languages as amended.

CONSTITUTION ACT, 1981

CLAUSE 43

29/1

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL Revised 3/2
Amendment of provisions relating to some but not all provinces 43. An amendment to the Constitution of Canada in relation to any provision that applies to one or more, but not all, provinces 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 of the legislative assembly of each province to which the amendment applies.	No proposal.	No proposal.

- - -

COMMENT

3/2: Clause 43 approved in both languages.

CONSTITUTION ACT, 1981

FIRST NEW CLAUSE AFTER CLAUSE 43

2/2
Revised 3/2
Revised 6 /2

GOVERNMENT PROPOSAL

CONSERVATIVE PARTY PROPOSAL

N.D.P. PROPOSAL

Amendments respecting certain language rights

"44. (1) Notwithstanding section 50, 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."

Initiation of amendment

(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.

- - -

(1) G-39.1 (Language Rights Amendments)

renumber Approved 3/2.

NOTE: This clause was not included in the Government Proposal of Jan 12.
(Cross Ref: New clause after Clause 20)

COMMENT

3/2: The First New Clause after Clause 43 was approved in both languages, as amended.

5/2: G-T-Technical amendments ("Described in" becomes "prescribed by" and "relates" becomes "applies") - Approved

CONSTITUTION ACT, 1981

SECOND NEW CLAUSE AFTER CLAUSE 43

2/2

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL Revised 3/2
text not available	No proposal.	No proposal.

(1) G-39.2 (aboriginal rights amendments)
Withdrawn 3/2.

Note: This clause was not included in the Government Proposal of Jan. 12.

COMMENT

3/2: Withdrawn

CONSTITUTION ACT, 1981

CLAUSE 44

29/1
Revised 31/1
Revised 2/2
Revised 3/2

GOVERNMENT PROPOSAL

Strike out:

Amendments without Senate resolution

44. (1) An amendment to the Constitution of Canada may be made by proclamation under subsection 41(1) or section 43, 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 again passes the resolution.

- - -

(2) G-40 - strike out clause
(Senate approval)

Approved 3/2.

CONSERVATIVE PARTY PROPOSAL

Strike out Clause 44

- - -

(1) CP-19 (delete clause)
Not Moved.

N.D.P. PROPOSAL

No proposal.

COMMENT

3/2: Clause 44 was defeated.

CONSTITUTION ACT, 1981

CLAUSE 45

29/1
Revised 6/2

GOVERNMENT PROPOSAL

Rules applicable to amendment procedures

45. (1) The procedures for amendment prescribed by subsection 41(1) and section 43 may be initiated either by the Senate or House of Commons or by the legislative assembly of a province.

Idem

(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.

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

No proposal.

- - -

COMMENT

3/2: Approved in both languages without amendment

5/2: G-T-Technical amendment ("described in" becomes "prescribed by") - approved

GOVERNMENT PROPOSAL

CONSTITUTION ACT, 1931

CONSERVATIVE PARTY PROPOSAL

N.D.P. PROPOSAL Revised 3/2 Rev. 5/2

Right to vote

46. (1) Every citizen of Canada has, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society, the right to vote in a referendum held under section 42.

Establishment of Referendum Rules Commission

(2) Where a referendum is to be held under section 42, a Referendum Rules Commission shall forthwith be established by commission issued under the Great Seal of Canada consisting of

(a) the Chief Electoral Officer of Canada, who shall be chairman of the Commission;

(b) a person appointed by the Governor General in Council; and

(c) a person appointed by the Governor General in Council

(i) on the recommendation of the governments of a majority of provinces, or

(ii) if the governments of a majority of provinces do not recommend a candidate within thirty days after the Chief Electoral Officer of Canada requests such a recommendation, on the recommendation of the Chief Justice of Canada from among persons recommended by the governments of the provinces within thirty days after the expiration of the first mentioned thirty day period or, if none are so recommended, from among such persons as the Chief Justice considers qualified.

Rules for Referendum

Establishment of Referendum Rules Commission

Composition of Commission

Strike out Clause 44.

- - -

(1) CP-20 (delete clause)
Not Moved

Rules to have force of law

"(2) Subject to subsection (1), the Governor General may, by proclamation issued under the Great Seal of Canada, on the recommendation of a Referendum Rules Commission established under this section, make rules applicable to the holding of a referendum under section 42.

(3) Where a referendum is to be held under section 42, a Referendum Rules Commission shall

(a) forthwith be established to recommend the rules applicable to the holding of that referendum; and

(b) make its recommendation by majority decision, within sixty days after its establishment.

(4) A Referendum Rules Commission shall consist of

(a) the Chief Electoral Officer of Canada, appointed by resolution of the House of Commons, who shall be chairman of the Commission;

(b) a person appointed by the Governor General in Council; and

(c) a person appointed by the Governor General in Council,

(i) on the recommendation of the governments of a majority of provinces, or

(ii) if the governments of a majority of provinces do not recommend a person within sixty days after the Chief Electoral Officer requests such a recommendation, on the recommendation of the Chief Justice of Canada from among persons recommended by the governments of the provinces within thirty days after the expiration of that sixty day period, or, if none is so recommended, from among persons knowledgeable in the holding of elections.

(5) Rules made under this section

(a) may include penalties for the contravention thereof;

(b) have the force of law; and

(c) prevail over other laws, except the *Canadian Charter of Rights and Freedoms*, to the extent of any inconsistency."

CONSTITUTION ACT, 1981

CLAUSE 46 (3), (4)
29/1
Revised 31/1

GOVERNMENT PROPOSAL

CONSERVATIVE PARTY PROPOSAL

N.D.P. PROPOSAL

Duty of Commission

(3) A Referendum Rules Commission shall cause rules for the holding of a referendum under section 42 approved by a majority of the Commission to be laid before Parliament within sixty days after the Commission is established or, if Parliament is not then sitting, on any of the first ten days thereafter that Parliament is sitting.

Rules for referendum

(4) Subject to subsection (1) and taking into consideration any rules approved by a Reterendum Rules Commission in accordance with subsection (3), Parliament may enact laws respecting the rules applicable to the holding of a referendum under section 42.

... 3

CONSTITUTION ACT, 1981

CLAUSE 46 (5, (6), (7)

29/1
Revised 2/2
Revised 5/2
Revised 6/2

GOVERNMENT PROPOSAL

Proclamation

(5) If Parliament does not enact laws under subsection (4) respecting the rules applicable to the holding of a referendum within sixty days after receipt of a recommendation from a Referendum Rules Commission, the rules recommended by the Commission shall forthwith be brought into force by proclamation issued by the Governor General under the Great Seal of Canada.

Computation of period

(6) Any period when Parliament is prorogued or dissolved shall not be counted in computing the sixty day period referred to in subsection (5).

Rules to have force of law

(7) Subject to subsection (1), rules made under this section have the force of law and prevail over other laws made under the Constitution of Canada to the extent of any inconsistency.

- - -

CONSERVATIVE PARTY PROPOSAL

N.D.P. PROPOSAL

(2) G-41 (referendum rules committee) Approved 4/2

Note: This is changed from the Government Proposal of Jan. 12, where subclause (1) read as follows:

" 46. (1) Every citizen of Canada has, without unreasonable distinction or limitation, the right to vote in a referendum held under section 42."

(3) N-38 (delete House of Commons participation) Defeated 4/2

- - -

COMMENT

4/2: Approved in both languages as amended.

5/2: G-T - Technical Amendment (relocate phrase 'under subsection (4)') - approved.

CONSTITUTION ACT, 1981

CLAUSE 47

29/1

GOVERNMENT PROPOSAL

Limitation on use of general amendment procedure

47. (1) The procedures prescribed by section 41, 42 or 43 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 41 or 42 shall, nevertheless, be used to amend any provision for amending the Constitution, including this section.

Idem

(2) The procedures prescribed by section 41 or 42 do not apply in respect of an amendment referred to in section 43.

- - -

(2) G-42 (limitation on use of general amending procedure)

Approved 4/2

CONSERVATIVE PARTY PROPOSAL

(1). The procedures prescribed by Section 41 or 43 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 41 shall, nevertheless, be used to amend any provision for amending the Constitution, other than Section 41, but including this section.

(2). The procedures prescribed by Section 41 do not apply in respect of an amendment referred to in Section 43.

Constitution Act, 1871

"48. Notwithstanding section 47, an amendment to section 3 of the *Constitution Act, 1871* and an amendment to this section 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."

- - -

(1) CP-21 (deletion of reference s.42) Not Moved

(3) CP-21.1 (Constitution Act 1871 (provincial limits)) Defeated 4/2

renumber

N.D.P. PROPOSAL

Revised 2/2
Revised 3/2
Revised 5/2
Revised 6/2

No proposal.

COMMENT

4/2: Approved in both languages as amended.

5/2: G-42.1 - Technical Amendment (delete 'revision') - Approved.

CONSTITUTION ACT, 1981

CLAUSE 48

29/1

GOVERNMENT PROPOSAL

Amendments by Parliament

48. Subject to section 50 Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the Senate or House of Commons.

- - -

CONSERVATIVE PARTY PROPOSAL

Subject to Section 50 Parliament may exclusively make laws amending the Constitution of Canada in relation to the executive government of Canada or the House of Commons.

- - -

(1) CP-22 (delete Senate)
Not Moved

N.D.P. PROPOSAL Revised 5/2

No proposal.

COMMENT

4/2: Approved in both languages.

CONSTITUTION ACT, 1981

CLAUSE 49

29/1

GOVERNMENT PROPOSAL

Amendments by provincial legislatures

49. Subject to section 50 the legislature of each province may exclusively make laws amending the constitution of the province.

- - -

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL Revised 5/2

No proposal.

COMMENT

4/2: Approved in both languages.

CONSTITUTION ACT, 1981

CLAUSE 50

GOVERNMENT PROPOSAL

Matters requiring amendment under general amendment procedure

50. An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with a procedure prescribed by section 41 or by section 42.

(a) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
(b) the *Canadian Charter of Rights and Freedoms;*
(c) the commitments relating to equalization and regional disparities set out in section 31;
(d) the powers of the Senate;
(e) the number of members by which a province is entitled to be represented in the Senate;
(f) the method of selecting Senators and the residence qualifications of Senators;
(g) the right of a province to a number of members in the House of Commons not less than the number of Senators representing the province; and
(h) the principles of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada.

- - -

(3) G-43 (a) (French amendment)
(b) (selection of Senators)
Approved 4/2
reletter

NOTE: 1) The underlined words are new amendments not included in the Government Proposal of Jan 12.

2) the French amendment concerns subclause (a) which is proposed as follows:

(a) la charge de Reine, celle de gouverneur general et celle de lieutenant-gouverneur;

CONSERVATIVE PARTY PROPOSAL

An amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with a procedure prescribed by section 41:

(a) the office of the Queen and Her status as head of state of Canada and of the provinces and the office of the Governor General and the Lieutenant Governor of a province;
etc.

- - -

(2) CP-23 (a) (delete reference to s. 42) } Defeated 4/2
(b) (expand paragraph (a) re Queen) }

(c) (reference to Senate)
Not Moved

COMMENT

4/2: Approved in both languages as amended.

N.D.P. PROPOSAL

29/1
Revised 31/1
Revised 2/2
Revised 3/2
Revised 4/2 //5/2
6/2

50. (1) Subject to subsection (2) an amendment to the Constitution of Canada in relation to the following matters may be made only in accordance with a procedure prescribed by section 41 or 42:

Matters requiring amendment under general formula

(*a*) the office of the Queen, the Governor General and the Lieutenant Governor of a province;
(*b*) the *Canadian Charter of Rights and Freedoms*;
(*c*) the commitments relating to equalization and regional disparities set out in section 31;
(*d*) the powers of the Senate;
(*e*) the number of members by which a province is entitled to be represented in the Senate and the residence qualifications of Senators;
(*f*) the right of a province to a number of members in the House of Commons not less than the number of Senators representing the province; and
(*g*) the principles of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada.

(2) The procedure prescribed by section 42 shall not be used in respect of an amendment to the Canadian Charter of Rights and Freedoms.

- - -

(1) N-39 (no referendum re: Charter)

Defeated 4/2

GOVERNMENT PROPOSAL

Consequential amendments

51. (1) Class 1 of section 91 and class 1 of section 92 of the *Constitution Act, 1867* (formerly named the *British North America Act, 1867*), the *British North America (No. 2) Act, 1949*, referred to in item 22 of Schedule I to this Act and Parts III and IV of this Act are repealed.

Consequential changes

(2) When Parts III and IV of this Act are repealed, this section may be repealed and this Act may be renumbered consequential upon the repeal of those Parts and this section by proclamation issued by the Governor General under the Great Seal of Canada."

- - -

(1) G-44 (consequential reference and reissue of Act)
Approved 4/2

CONSERVATIVE PARTY PROPOSAL

Class 1 of Section 91 and class 1 of Section 92 of the Constitution Act, 1867 (formerly named the British North America Act, 1867, the British North America (No. 2) Act, 1949, referred to in item 22 of Schedule I to this Act, are repealed.

- - -

(2) CP-24 (Idem)
Not Moved

N.D.P. PROPOSAL

No proposal.

COMMENT

4/2: Approved in both languages as amended.

CONSTITUTION ACT, 1981

NEW CLAUSE AFTER CLAUSE 51
Resources (Page 1)
29/1

GOVERNMENT PROPOSAL

92A. (1) Strike out: whether or not such production is exported in whole or in part from the provinces.

92A. (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 ...etc.

- - -

(2) G-44.1
(Amendment to N-40)
Approved 5/2

CONSERVATIVE PARTY PROPOSAL

MR. McGRATH'S AMENDMENT

Adding immediately after the proposed new clause 92A the following:

Proprietary Offshore resources rights

"92B. All land, mines, minerals and royalties within and arising from the seabed and subsoil of the internal waters, the territorial sea and the continental shelf adjacent or appurtenant to any province, all economic or proprietary rights in the non-renewable natural resources thereof, and all rights to produce energy from the waters, currents and tides thereof, shall belong to the adjacent province.

Determination of area adjacent or appurtenant to province

92C. (1) The area adjacent or appurtenant to a province shall, as between adjacent or opposite provinces, be that area within lines drawn by agreement in accordance with the principles of international law.

Arbitration of dispute

(2) Where a dispute arises between provinces as to which province is the adjacent province for the purposes of this Part and no agreement can be reached between them within a reasonable period of time, the provinces concerned shall resort to arbitration, one member of the Arbitration Board being chosen by each province concerned and one other, or two others if there is an even number of provinces concerned, being chosen either by agreement of the members of the Board chosen by the provinces or, failing agreement, by the Chief Justice of Canada.

N.D.P. PROPOSAL

Revised 31/1
Revised 4/2
Revised 5/2
Revised 6/2

"PART VI

AMENDMENT TO THE

CONSTITUTION ACT, 1867

Amendment to Constitution Act, 1867

52. (1) The *Constitution Act, 1867* (formerly named the *British North America Act, 1867*) is amended by adding immediately after section 92 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,

whether or not such production is exported in whole or in part from the province.

Export from provinces of resources

(2) In each province, the legislature may make laws in relation to the export from the province 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.

.../2

CONSTITUTION ACT, 1981

NEW CLAUSE AFTER CLAUSE 51
(Page 2)
29/1

GOVERNMENT PROPOSAL

CONSERVATIVE PARTY PROPOSAL

N.D.P. PROPOSAL
Revised 5/2
Revised 6/2

Definition "non-renewable natural resources"

92D. For the purposes of this Part, "non-renewable natural resources" includes the non-renewable natural resources of the seabed and subsoil of the internal waters, territorial sea and continental shelf of the adjacent province and all rights of energy production from the waters, currents and tides thereof."

- - -

(3) M-1 (offshore resources) - Defeated 5/2

NOTE: This amendment was not proposed by the Conservative Party. M-1 was moved by the Hon. James McGrath (of the Conservative Party) as an individual Member.

- - -

MR. FRASER'S AMENDMENT

Add to 92A(1), proposed in N-40, the following paragraph:

"(d) Nothing in Section 92A derogates from the powers of the Parliament of Canada relating to fisheries, navigation and shipping."

(4) F-1 (fisheries, etc.) Defeated 5/2

NOTE: This amendment was not proposed by the Conservative Party. F-1 was moved by the Hon. John Fraser (of the Conservative Party) as an individual Member.

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."

..../3

GOVERNMENT PROPOSAL

CONSERVATIVE PARTY PROPOSAL

N.D.P. PROPOSAL

29/1
Revised 2/2
Revised 6/2

Idem

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

"THE SIXTH SCHEDULE

PRIMARY PRODUCTION FROM
NON-RENEWABLE RESOURCES AND FORESTRY
RESOURCES

1. For the purposes of section 92A of this Act,
(a) production from a non-renewable 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.""

COMMENT

5/2: Approved in both languages as amended.

- - -

(1) N-40 (resources) - Approved 5/2

- renumber

renumber Constitution Act 1867 accordingly

CONSTITUTION ACT, 1981

CLAUSE 52
29/1

GOVERNMENT PROPOSAL

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.

- - -

(1) G-45 (primacy of constitution)

renumber - Approved 5/2

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL Revised 2/2 Revised 4/2 Revised 6/2

No proposal.

COMMENT

5/2: Approved in both languages as amended.

CONSTITUTION ACT, 1981

CLAUSE 53

29/1
Revised 6/2

GOVERNMENT PROPOSAL

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.

- - -

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

No proposal.

COMMENT

5/2: Approved in both languages.

CONSTITUTION ACT, 1981

CLAUSE 54

29/1

Revised 6/2

GOVERNMENT PROPOSAL

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.

- - -

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

No proposal.

COMMENT

5/2: Approved in both languages.

CONSTITUTION ACT, 1981

CLAUSE 55

29/1

Revised 6/2

GOVERNMENT PROPOSAL

English and French versions

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.

- - -

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

No proposal.

COMMENT

5/2: Approved in both languages.

CONSTITUTION ACT, 1981

CLAUSE 56

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL Revised 6/2
English and French versions 56. The English and French versions of this Act are equally authoritative.	No proposal.	No proposal.

- - -

COMMENT

5/2: Approved in both languages.

CONSTITUTION ACT, 1981

CLAUSE 57

29/1

GOVERNMENT PROPOSAL

Commencement

57. Subject to section 58, 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.

- - -

CONSERVATIVE PARTY PROPOSAL

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.

- - -

(1) CP-25 (consequential to CP-26)
Withdrawn 5/2

N.D.P. PROPOSAL Revised 6/2

No proposal.

COMMENT

5/2: Approved in both languages.

CONSTITUTION ACT, 1981

CLAUSE 58

29/1

GOVERNMENT PROPOSAL

Exception respecting amending procedure

58. Part V shall come into force as provided in Part IV.

- - -

CONSERVATIVE PARTY PROPOSAL

Strike out Clause 58.

- - -

N.D.P. PROPOSAL

Revised 31/1

Revised 6/2

No proposal.

(1) CP-26 (delete reference to Part V)

Withdrawn 5/2

renumber

COMMENT

5/2: Approved in both languages.

CONSTITUTION ACT, 1981

CLAUSE 59

29/1
Revised 31/1

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL Revised 6/2
Short Title and citations 59. 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*.	No proposal.	No proposal.

\- - -

(1) G-46 (change to 1981)
Approved 5/2

COMMENT

5/2: Approved in both languages as amended.

GOVERNMENT PROPOSAL

Adding to Schedule I after item 2

Item	Column I Act Affected	Column II Amendment	Column III New Name
"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"

Renumbering items 3 to 29 as items 4 to 30.

Striking out the renumbered item 22 and substituting:

Item	Column I Act Affected	Column II Amendment	Column III New Name
"22.	British North America (No. 2) Act, 1949, 13 Geo. VI, c. 81 (U.K.)	The Act is repealed. (effective when section 51 of the *Constitution Act, 1981* comes into force)"	

\- - -

(1) G-47 (Rupert's Land and date) - Approved 5/2

NOTE: These amendments were not included in the Government's Proposal of January 12.

CONSERVATIVE PARTY PROPOSAL

Item	Column II Amendment
16.	In so far as they apply to Canada, (a) section 4 is repealed; and (b) subsection 7(1) is repealed.

\- - -

(2) CP-26.1 (Statute of Westminster - delete Newfoundland reference) - Approved 5/2

COMMENT

5/2: Approved in both languages as amended.

N.D.P. PROPOSAL

Revised 6/2

No proposal.

CONSTITUTION ACT

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	TITLE
CONSTITUTION ACT, 1981	No proposal.	2/2 N.D.P. PROPOSAL Revised 3/2 Revised 4/2 No proposal. Revised 6/2

- - -

(1) G-1 (Title)
Approved 5/2

COMMENT

5/2: Approved in both languages as amended.

GOVERNMENT PROPOSAL	CANADA ACT 1981 CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL 3/2 Revised 6/2
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.	No proposal.	No proposal.

- - -

(1) G-2 (year 1981)

Approved 5/2

COMMENT

5/2: Approved in both languages as amended.

CANADA ACT 1981

GOVERNMENT PROPOSAL

No proposal.

CONSERVATIVE PARTY PROPOSAL

1. The Constitution Act, 1980 set out in Schedule B to this Act is hereby enacted for and shall have the force of law in Canada "and, subject to sections 2 and 3 of this Act, shall come into force as provided in that Act.

Coming into force of *Constitution Act, 1981*

2. A proclamation under section 57 of the *Constitution Act, 1981* bringing Parts V and VI of that Act into force in Canada, with or without amendments, may be issued

(a) at any time after this Act comes into force, if so authorized by resolutions of the Senate and House of Commons and of the legislative assembly of each province;

(b) at any time after the expiration of one hundred and twenty days after this Act comes into force, if so authorized at any time after this Act comes into force by

(i) resolutions of the Senate and House of Commons, and

(ii) resolutions of the legislative assemblies of eight or more provinces that have in the aggregate, according to the then latest general census, combined populations of at least eighty per cent of the population of all the provinces;

N.D.P. PROPOSAL

No proposal.

. . . /2

GOVERNMENT PROPOSAL

CONSERVATIVE PARTY PROPOSAL

(c) at any time after the expiration of two hundred and forty days after this Act comes into force, if so authorized at any time after this Act comes into force by

(i) resolutions of the Senate and House of Commons, and

(ii) 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, a population of at least fifty per cent of the population of all of the provinces; and

(d) subject to section 3, at any time after the expiration of one year after this Act comes into force.

Section 41 of *Constitution Act, 1981* amended

3. A proclamation under Section 57 of the *Constitution Act, 1981* and paragraph 2(d) of this Act bringing Parts V and VI of that Act into force in Canada shall

(a) amend section 41 of that Act to read as follows:

General procedure for amending Constitution of Canada

"41. 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 of the legislative assembly of each province." ; and

(b) contain no other amendments to the Constitution of Canada.

. . . /3

CANADA ACT 1981

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
Coming into force of rest of *Constitution Act, 1981*	4. A proclamation under section 57 of the *Constitution Act, 1981* bringing any provisions of that Act other than Parts V and VI into force in Canada, with or without amendments, may be issued at any time (a) after Parts V and VI of that Act have come into force in Canada; and (b) after the provisions to be brought into force in accordance with this section have been authorized pursuant to the appropriate procedure prescribed in Part V of that Act for amending those provisions."	

- - -

(1) CP-27 (coming into force of Constitution Act 1981)
renumber

Defeated 6/2

COMMENT

6/2: The proposed new clause was defeated.

CANADA ACT 1981

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
Parliament of United Kingdom not 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.	No proposal.	No proposal.

- - -

(1) G-3 (year 1981 and French deletion)
Approved 6/2

COMMENT

6/2: Clause 2 approved in both languages as amended.

CANADA ACT 1981

CLAUSE 3

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
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.	No proposal.	No proposal.

- - -

COMMENT

6/2: Clause 3 approved in both languages.

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
Short title 4. This Act may be cited as the *Canada Act*.	No proposal.	No proposal.

COMMENT

6/2: Clause 4 approved in both languages.

CANADA ACT 1981

GOVERNMENT PROPOSAL

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:

- - -

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

No proposal.

COMMENT

6/2: Preamble approved in both languages.

GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
An Act to give effect to a request by the Senate and House of Commons of Canada	No proposal.	No proposal.

- - -

(1) G-4 (long title)
6/2 Uncertain

COMMENT

6/2: Uncertain.

PREAMBLE (LINES 4-17)

6/2

GOVERNMENT PROPOSAL

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.

PROPOSED RESOLUTION

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

No proposal.

COMMENT

GOVERNMENT PROPOSAL

NOW THEREFORE the Senate and the House of Commons, in Parliament assembled, resolve that a respectful address be presented to Her Majesty the Queen in the following words:

PROPOSED RESOLUTION

CONSERVATIVE PARTY PROPOSAL

No proposal.

PROPOSED RESOLUTION
(LINES 18 - 22)

N.D.P. PROPOSAL

No proposal.

COMMENT

ADDRESS (LINES 23 - 32)

PROPOSED RESOLUTION

GOVERNMENT PROPOSAL

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

We, Your Majesty's loyal subjects, the Senate and 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:

CONSERVATIVE PARTY PROPOSAL

No proposal.

N.D.P. PROPOSAL

No proposal.

COMMENT

PROPOSED RESOLUTION

TITLE	GOVERNMENT PROPOSAL	CONSERVATIVE PARTY PROPOSAL	N.D.P. PROPOSAL
	Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada	No proposal.	No proposal.

COMMENT