

June 20th, 1978.

COMPARISON OF THE VICTORIA CHARTER AND THE CONSTITUTIONAL
AMENDMENT BILL

1. The Victoria Charter was a very limited document. In contrast, the bill presents a total constitution. ~~Everything that was in the Charter, with the~~ exception of the formula for amendment is included in the bill. There are also very extensive additional areas.
2. Parts of the bill not included in the Victoria Charter are:

The preamble

- I - Statement of continuation of the union
- II - Statement of aims of the Canadian federation
- III - Rights and freedoms within the Canadian federation

The charter of rights and freedoms was not in the Victoria Charter except:

- (a) very limited "political" rights
- (b) partial "language rights"

- Rights not included in Victoria include

- full political rights and freedoms
- rights within Canada of Canadian citizens
- non-discrimination provisions
- principles about elections and elected legislatures
- language rights with regard to:

- (a) use of French in the courts of Ontario and New Brunswick
- (b) language of education
- (c) protection against legislation that would adversely affect the preservation of English or French

IV - Elements of the Canadian federation

- VI - The federal authority in Canada
- There was nothing in Victoria about the position of the Governor General, the role and powers of the Cabinet
 - Completely new is provision for a new second chamber - the House of Federation

XI - The courts

Apart from inscription in the constitution, the only thing in the Victoria Charter was provision for consultation on appointments to the Supreme Court. The bill includes that. It adds:

- (a) constitutional provision for independence of the judiciary
- (b) provision for affirmation by the House of the Federation
- (c) provision for civil law questions to be decided by Quebec judges

The bill enlarges the Court from 9 to 11 and makes specific provision for geographical distribution, neither of which were in the Victoria Charter.