BIG DECISIONS 1976-1982



Senate and House of Commons Joint committee hearing responsible for studying the Amendment to the Constitution Act and the Canadian Charter of rights and freedoms. Winter 1981. http://sen.parl.gc.ca/sjoyal/e/biography.html

1976 PQ ELECTED IN QUEBEC

- Rene Levesque -- Ti Pol
- Separatist
- Charter of the French Language



1980 REFERENDUM

** Levesque wanted Quebeckers to vote yes to start discussions with Canada regarding sovereigntyassociation

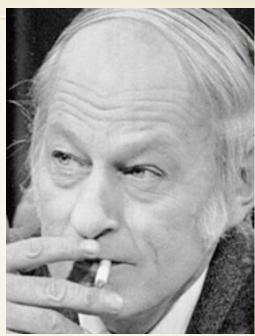


* Trudeau countered with powerful speeches and promised a new constitution if Quebec voted NO



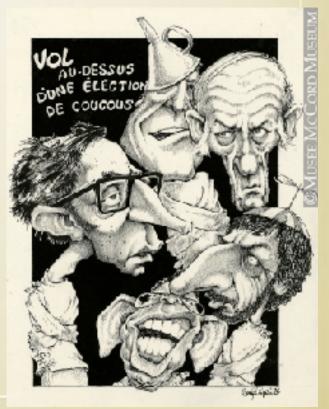












** 40% YES / 60% NO

PATRIATING THE CONSTITUTION

- Trudeau wanted to bring the Constitution home to Canada
- Since 1867 BNA Act held in England / Changes couldn't be made without British consent
- Trudeau wanted to include the Charter of Rights and Freedoms



ANNO TRICESIMO ET TRICESIMO-PRIMO

VICTORIÆ REGINÆ.

CAP. III.

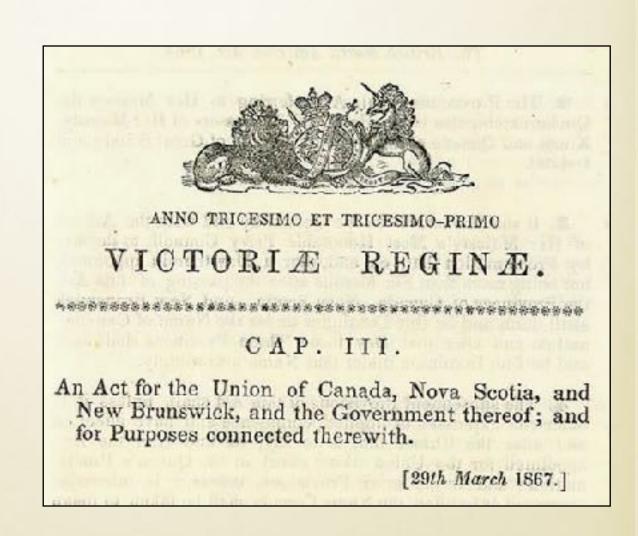
An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for Purposes connected therewith.

[29th March 1867.]



PATRIATING THE CONSTITUTION

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- Trudeau wanted to include the Charter of Rights and Freedoms



CHALLENGE OF CHANGE

- Trudeau had to develop an amending formula how many Provinces would have to agree in order for changes to be made? All of them, over 50%, ??????
- Kitchen Compromise Nov 4 1981 after a series of meetings failed to resolve the issue, Chretien led 9 out of 10 Premiers to reach a compromise Levesque wasn't invited as he was at another hotel.
- Premiers to sign charter if a non-withstanding clause was added
 -- allowed conditional "opt out"
- Amending formula 7 out of 10 must agree -- must be 50% of total pop.

KITCHEN ACCORD

- Levesque was very upset and argued against the deal.
- The people of Quebec felt betrayed Remember Trudeau's promise (1980)
- Trudeau accepted the compromise
- Quebec refused to sign the New Constitution
- Signed by Queen Elizabeth in Ottawa April 17 1982
- Flags flew at half mast in Quebec and protests were held



1981 KITCHEN COMPROMISE

- Amending Formula
- Notwithstandstanding Clause



GLIZABETH THE SECOND

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court to taken these presence shall come on

GREETING:



GLIZABETH DEUX

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à total cette que ses praisent es pervent de quesque. тогновно сопсевноек.

SALUT:

Anche part errore amendmenty to the Constitution of Consile have been made by the Parliament of the United Kingdom at the report and with the count of Canada... AND VEHICLEAR IS IN Accord with the status of Canada as an independent state that Canadians brable trained their Continution in Canada in all reports;

2000 retroitable it is domable to provide in the Countriusion of Canada for the recognitson of corsain fundamental rights and freedoms and to make other amendments to the-

2000 tensional of the Partiament of the limited Kingdom has therefore, at the request and with..... the consent of Canada, macted the Canada Act, which provides for the patriation and..... amondment of the Constitution of Canada:

AND MINISTERNAL NOTION OF the Constitution Act, 1982, not out in Schoolule B to the Canada Act, provider that the Greetitusian Act, tall; shall, subject to section Ni thereof, conscion force on a day to be fixed by proclamation investigator the Griat Suit of Canada... MOM: KDNOW You that Will, by and with the advice of Our Privy Council for Canada, do by this Our Proclamation, doclare that the Constitution, Act, 1017 shell, subject to section... At thereof, come into force enths Seventumbh day of April, in the Year of Our Lord One-"flowward Nine Hundred and Eighty-two.

OF ACC WINDOW Dur Lenning Subjects and all others whom these Presents may concern are hardra regained to take notice and to govern thouselver accordingly.

THE TENTH ACTION NO HONORARY WAS LAKED COUNTY THAN IN Our Letters to be made flatent and the great fluid. of Camada to be horrower afford... At Our City of Ottawa, this Seventeeth day of

April is the Year of Our Lord One Thousand... Nine Hundred and Eighty-two and in the Thirty-Sinc Your of Our Rings.....

By Hor Majortyn Command,

For order de Se Mejorti-

") Le registraire pineral du Canada Registrar General of Canada

undean Le premier ministre du Genede

god sakke THIC QUINN

CHELL PROTRÈGE LA SWINNE





PROCLAMATION

QU'à la demande et avec le consentement du Canada, le Partement du tayaunatini a dijā modijā a plustours reprises ta Countitution du Canada... de en verto de los r appertenance à un l'Est souversin, les Canadions se desveut de détenir tout pouvoir de modifier leur Constitution au Canada...

(NET) est seulvatiable d'inscritre dans la Constitution du Canada la reconsaissance d'us... certain numbre de liberats et de droits fondamentaixs et d'y apporter d'autres modifications. (mile la Parlicment du Regamma -tins. à La demanda et avec la conscritouent du Canada, a adopté on constiguence la lui sur le Canada, qui privoit le rapatriement de la Ceutitusium.

canadictore at ta modification.... 2008 L'article 26, figurant à L'annoue 8 de la Los nor la Canada, stipula que apos viserve de l'article 50, la Lui, constitutumentie de 1911 entrona envigueur à une date fixie per proclamation sour la grand sousu-fu Canada,...

NOTES PROCLANIONS our lavis de Notre Couscil, privé pour le Canada, que la Loi. constitutionnelle de 1852 entresa on migratur, aque riserves de l'article Pt. le dix suptibreyour du mois d'avril en l'an degrâce sed neuf cent quatre vingt-door.

NOUS DELDANDONS À Nos Logaça sudora et à toute autre personne concernir de prendre acte de la prisonte proclamation....

AMERICAN CALCAL MOUR AND REVENUE TO A PROPERTY LANGUAGE AND ADDRESS OF A ADDRESS OF grand soors du l'ameda....

Fact on Notice wille d'Otaxou, ce des acquième jour du mois d'avroil on l'ain de grâce mil. neuf cent quatre vingt-deux, la trenta et unième de Notre nigne-

GLIZABECH THE SECOND

By the grace of god of the united kingdom, canada and her other realms and territories queen... head of the commonwealth, dependency the path.

to ALL to tubom these presents shall come or whom the same may in angular concern_x

GREETING:



GLIZABECH DEUX

par la grâce de dieti reine du rogazine-um, de_ CNIMAN et de ses micres roundines et territoires. chep du commonaientah, dépenseur de la poi,

à tous ceux que les présentes peuvent de quelque minnière concerner,

SALUT:

A PROCLAMACION

in the past certain amendments to the Constitution of Capa ion of certain fundamental rights and freelight and to make other amendments to the

DOND WHICECAS the Parliament of the United Remaining therefore, at the request and with the consent of Canada, macted the Canada Act, which provides for the patriation and... amendment of the Constitution of Canada;

force on a day to be fixed by proclamation sound under the Great Scal of Canada. NOW KNOW You that We, by and with the salvice of Our Programmed for Canada, do by 59 thereof, come into force on the Seventeenth day of April, in the Year of Our Lord One-

> IN TESTIMONY NOHOROUS We have caused those-Our Letters to be made Patent and the Great Scal. of Canada to be hereunto affixed... At Our City of Ottawa, this Seventrenth day of

April in the Year of Our Lord One Thousand Nine Hundred and Eighty-two and in the Thirtyfirst Year of Our Roign

Bullier Majestu's Command.

Par ordre de Sa Majorté-

undean

Registrar General of Canada

Le registraire ginéral du Canada

Prime Minister & Cana

Le premier ministre du Canada

GOD SAME THE QUEEN

DIEU PROTÈGE LA REINE

Parliament of the United Kingdom at the request, and with the cousing of Canada. AND WHEREAS It is in accord with the status of Caracia as an ordependent state that Canadians be able to amend their assistantion in Canadian all respects: AND WHEREAS It is desirable to provide in the Constitution of Canada for the recognit-

AND WHEREAS section 58 of the Constitution Act, 1082, set out in Schedule B to the Canada Act, provides that the Constitution Act, 382 shall subject to section 50 thereof come into

this Our Proclamation, declare that the Constitution Act, 1982 shall subject to section. Thousand Nine Hundred and Eighty-two.

CF-ALL WHICH Our Loving Subjects and all others whom these Presents may corn required to take notice and to govern themselves accordingly.





PROCLAMACION

à La demande et avec le consentement du Canada, le Partement du Royaumethu a de la modifia a prosieurs reprises La Constitution du Canada..;

en vertu de leur appartenance, à un État souverain, les Canadiens se doivent de détenirtout poincir de modifier leur Constitution au Canada...; il est soubeitable d'inscrire de le Constitution du Canada La reconnaissance d'un....

cer taun nombre de laberres et de drores fondementaux et d'y apporter d'autres modifications: le Parlement du Royaume-ths, à la demande et avec le consentement du Canada, a adopte en conséquence la Loi sur le Canada, qui prévoit le rapatriement de la Constitution

canadicine et sa modification... l'article 58, figurant à l'aurisce B de la Loi sur le Canada, stipule que, sous réservede l'article 50, la Los constituis o nelle de 1982 entrera envigueur à une date fixée par ccau du Canada....

reur lavis de Notre Conscil privé pour le Canada, que la Loi relle de 1082 entrera en viqueur, sous réserve de l'article 50, le dix-septièmemois d'averil en l'an de grâce mil neuf cent quatre-vingt-deux.

DEMIANDONS À Nos logaux sujets et à toute autre personne concernée de prendre de la présente-proclamation....

FOI DE QUOT. Nous avons rendu les présentes lettres patentes et y avons fait apposer lagrand scoau du Canada....

Fait en Notre ville d'Onava, ce dix septième jour du mois d'avril en l'an de grâce mil neuf cent quatre vingt-deux, le trente et unième de Notre règne.

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS



What is the Canadian Charter of Rights and Freedoms?

The Canadian Charter of Rights and Freedoms is one part of the Canadian Constitution. The Constitution is a set of laws containing the basic rules about how our country operates. For example, it contains the powers of the federal government and those of the provincial governments in Canada.

The Charter sets out those rights and freedoms that Canadians believe are necessary in a free and democratic society. Some of the rights and freedoms contained in the Charter are:

- · freedom of expression
- the right to a democratic government
- the right to live and to seek employment anywhere in Canada
- · legal rights of persons accused of crimes
- Aboriginal peoples' rights
- · the right to equality, including the equality of men and women
- the right to use either of Canada's official languages
- the right of French and English linguistic minorities to an education in their language
- the protection of Canada's multicultural heritage.

The way the Charter protects these rights and freedoms is explained in Part II of this Guide.

Before the Charter came into effect, other Canadian laws protected many of the rights and freedoms that are now brought together in it. One example is the Canadian Bill of Rights, which Parliament enacted in 1960. The Charter differs from these laws by being part of the Constitution of Canada.