

Canadian Constitution awaits passage by British Parliament

Canada's new Constitution was sent to Britain, December 9, following its passage in the House of Commons and Senate.

After 14 months of debate on the subject, the House of Commons voted in favour of the resolution on December 3, by a vote of 246-24. Only 17 Progressive Conservatives, five Liberals and two New Democrats opposed the resolution. The measure did not require the unanimous consent of the House of Commons as reported in *Canada Weekly*, November 25, 1981.

The proposed Constitution then went to the Senate for debate and was passed, December 8, by a 59-23 final vote.

The 60-clause bill, dealing with the charter of rights, the proposed new amending formula and the new resources and taxing powers, was a substantially different document than the original resolution introduced in October 1980. At that time the federal government was proceeding unilaterally with the support of only Ontario and New Brunswick. The original resolution called for a different charter of rights and amending formula.

After the Senate vote, the Cabinet met to approve an order-in-council to the Queen giving Canada's formal consent to a change in the 1931 Statute of Westminster.

Special send-off

The formal request to end Canada's last colonial legislative tie with Britain, along with two leather-bound copies of the resolution — one from the House of Commons, the other from the Senate — were later presented to Governor General Edward Schreyer. The documents were handed to the Governor General by House of Commons Speaker Jeanne Sauv  and Senate Speaker Jean Marchand in a rare, elaborate ceremony that had not been used in more than 30 years.

On hand to witness the event were Prime Minister Pierre Trudeau, his Cabinet, members of the Liberal caucus, Conservative leader Joe Clark, about 30 members of his party, New Democratic Party leader Edward Broadbent and invited members of his party.

Mr. Schreyer gave the three documents to his secretary Esmond Butler, who along with Justice Minister Jean Chr tien flew to London with them. Mr. Butler deposited the two hand-illuminated copies of the resolution with his British counterpart.



Governor General Edward Schreyer receives copies of constitutional resolution from Commons speaker Jeanne Sauv .

Mr. Chr tien met first with Sir Francis Pym, the government leader in the British House of Commons, and then with the Queen to explain the new proposals and ask her to transmit the resolution to the British House of Commons and the House of Lords. The Canadian government expects that the British Parliament will be able to give passage to the constitutional resolution when it resumes sitting following its Christmas break on January 18.

An accord, signed on November 5, between the federal government and nine of ten Canadian provinces, eased passage of the resolution in the Canadian Parliament and appears to ensure a relatively quick passage in Britain despite Quebec's stated intent to test its veto power again in the courts (see *Canada Weekly*, dated November 25, 1981).

Following passage of the constitutional resolution in the House of Commons, Quebec Premier Ren  L vesque tabled an order-in-council in Quebec's National Assembly asking the Quebec Court of Appeal to judge whether Quebec's consent is constitutionally required for adoption of the resolution.

Quebec Justice Minister Marc-Andr  B dard followed up by introducing a bill enabling the provincial government to refer the appeal court decision to the Supreme Court if necessary.

Final constitutional document

When passed by Westminster, the proposed Constitution Act will be the fifth

and final Constitution that the British Parliament has legislated for Canada since the eighteenth century.

The basic Canadian Constitution, the British North America Act of 1867, has been amended 16 times in the past 114 years but without any formal amending procedure being recognized until now. Its predecessors were the Quebec Act of 1774, the Constitutional Act of 1791 and the Union Act of 1840.

The long-desired patriation of the Constitution will clear the way for Parliament to deal with issues such as the clarification of aboriginal rights and attempts to end Quebec's continuing isolation. It has been suggested that further negotiations with the province of Quebec could take place after patriation of the Constitution.

The new Constitution sets rules to make further changes easier and calls for two compulsory First Ministers' meetings — one on aboriginal rights and the other on the amending formula.

Mr. Trudeau receives award



Prime Minister Pierre Trudeau speaks to guests at a dinner in New York City at which he was presented with the 1981 Society for the Family of Man gold medallion. Mr. Trudeau was the nineteenth recipient of the humanitarian award made annually by the Council of Churches of the City of New York, an ecumenical group representing most major Christian and Jewish denominations. Sixteen years ago the late Prime Minister Lester B. Pearson received the third award.