

Annual sitting
of legislative
bodies

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

"Any legislature can prolong its own life for as long as it sees fit. The legislature of Manitoba prolonged its own life for a few months in 1908. The legislature of Ontario did the same in 1918 until after the return of the soldiers from overseas and again, for a year, in 1942, and again for the same period in 1943. In Saskatchewan in 1943 there was vigorous opposition, but the legislature extended its life for a year."

Senator Eugene Forsey, 1979, How Canadians Govern Themselves

Mobility of
citizens

Mobility Rights

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

(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.

(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

Rights to
move and gain
livelihood

Limitation

the principle will be enshrined in law, in a section of the Charter that says no Parliament or provincial legislative assembly shall continue for more than five years, except in very extraordinary circumstances, such as war, insurrection or invasion. Even then, continuing the life of an elected assembly would be possible only with the approval of two-thirds of the members of Parliament or the legislature concerned.

The Charter will also provide that there must be a sitting of Parliament and each provincial legislature at least once every 12 months so that the government remains accountable to the elected members. This annual sitting rule for the federal Parliament is already covered by the *BNA Act*. However, previously there was no similar constitutionally entrenched rule for the provinces.

This section will provide that Canadians are free to enter, remain in, or leave Canada. An example of government interfering with mobility rights is the treatment of the Japanese-Canadians during, and after, World War II. In the early 1940s, cabinet issued an order under the authority of the War Measures Act which stripped them of their citizenship.

Mobility rights give all Canadian citizens and permanent residents the right to live and seek employment anywhere in Canada. For most of the years since Confederation in 1867, Canadians have assumed these rights existed and in fact exercised them, but never before were they guaranteed in our Constitution.

The mobility guarantee means that you will be able to move to any province or territory from any other, without hindrance, and look for work there. Or, you will be