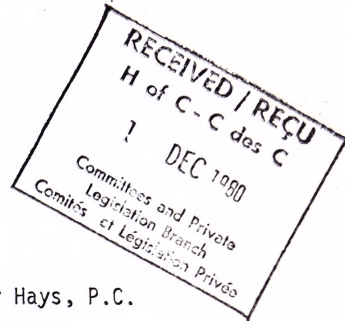


Sub

550 Stevens Drive,
West Vancouver, B.C.,
V7S 1C9

November 24, 1980.

Joint Clerks,
Special Joint Committee on the
Constitution of Canada,
Postal Box 1044,
South Block,
Parliament Buildings,
Ottawa, Ontario.
K1A 0A7



Attention: Joint Chairmen: Honourable Senator Harry Hays, P.C.
Mr. Serge Joyal, M.P.

Dear Sirs;

The members of the North Shore Liberal Women would like to commend the Government of Canada for instituting procedure to patriate the B.N.A. Act. We strongly support the entrenchment of a Charter of Rights in the Constitution.

In reviewing the Proposed Resolution respecting the Constitution of Canada we wish to put forward the attached concerns. It is our view that if these concerns were incorporated, there would result a stronger document.

Yours truly,

(Mrs.) Joanne North,
President

JN/mg
Encl.

SUBMISSION ON PROPOSED RESOLUTION
RESPECTING THE CONSTITUTION OF CANADA.

- Section 7. "subject only to such reasonable limits as are generally accepted in a free and democratic society with a parliamentary system of government".
- We are concerned that this section represents a loophole through which the basic rights of the individual enshrined in the charter could be invalidated by parliament. As British Columbians we are ashamed of the internment of Japanese-Canadians during the Second World War, but if such actions ever again are "generally accepted" parliament should be accountable for its actions.
- Section 15 (1) "right to equality before the law and to the equal protection of the law without discrimination because of race, national or ethnic origin, colour, religion, age or sex".
- We are concerned that this refers to the administration of the law and not to law itself. As women we are aware of many discriminatory laws which prevent women from achieving equality. The treatment of native Indian women being a glaring example. Canadians should be able to challenge discriminatory laws in the courts.
- Section 23 (1) "Citizens of Canada whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside have the right to have their children receive their primary and secondary school instruction in that minority language..."
- We are concerned that this section discriminates against citizens who speak neither English nor French. As mothers we believe the individual should have a choice of education in either the English or French language anywhere in Canada.
- Section 23 (3) Suggested addition: "The right of any child to a Canadian standard of education."
- We are concerned with the uneven levels of education received by children across Canada. As members of a mobile society we would like to see enshrined in the charter the right of the Federal government to set a Canada wide standard of education.

Section 38 (1) "eight or more provinces that have, according to the then latest general census, populations of at least eighty percent of the population of all the provinces may make a single proposal to substitute for paragraph 41 (1)(b) such alternatives as they consider appropriate."

- We are concerned that the eighty percent requirement gives two provinces, Ontario or Quebec, the right to stop any provincially initiated amending formula. As Canadians we are concerned about the possible disunity to the country should one province use this power. The eighty percent requirement should be removed.

Section 41 (1)(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 percent of the population of Canada,
- (ii) at least two of the Atlantic provinces that have, according to the then latest general census, combined population of at least fifty percent of the population of all the Atlantic provinces, and
- (iii) at least two of the Western provinces that have, according to the then latest general census, combined populations of at least fifty percent of the population of all the Western provinces.

- We are concerned that this section will not stand the passage of time and could create great division within the country in the future. As Western Canadians we believe this section must make provision for future shifts in population within the country. No province should have the right to veto in perpetuity. There will come a time when no province will have twenty-five percent of the population and this must be provided for. This section should be entirely rewritten.