

The St George's Society of Toronto

100 GEORGE STREET, TORONTO, ONTARIO
Telephone: 597-2222

4th February 1981

Sub.

Mr. Richard Prgent,
Secretary,
Parliamentary Committee on the
Constitution of Canada,
Room 514, South Block,
Ottawa, Ontario,
K1A 0A6



Dear Sir,

The Proposed Resolution respecting the
Constitution of Canada

1. The Committee of Management of the St. George's Society of Toronto has reviewed the draft legislation, namely The Canada Act and The Constitution Act, 1980, forming part of a proposed resolution to be addressed to Her Majesty the Queen, which the present Government of Canada wishes to use as the vehicle for the so-called patriation of the Canadian Constitution.
2. This Society was founded in 1835 for social and charitable purposes among persons of English or Welsh descent in the Toronto district. It is a Loyal Society greatly respected in its community, and its Objects include support of the constitutional monarchy in Canada and devotion to the principles of British justice and especially to the parliamentary and judicial systems of England as adopted in Canada.
3. The Society submitted its views upon a proposed Constitution Amendment Bill, 1978, in a brief dated 15th September 1978, to the then Special Joint Committee on the Constitution of Canada. There are elements of that defunct Bill which have crept into the legislation now proposed, and to which members of this Society profoundly object.
4. The proposed resolution recognizes the position of Her Majesty the Queen as Head of State of Canada, as it must, by addressing the document to Her, but regrettably appears deliberately not to pursue that recognition throughout the wording of the Constitution Act, 1980 (Schedule B to the Canada Act). Everywhere in the Act the right of proclamation, which should properly be vested in HM The Queen of Canada, or at least in the Governor-General in right of HM The Queen of Canada, is transferred to the Governor-General without qualification (e.g. Part IV, Sections 33, 34 and Part V, Sections 41, 42, 43). Accordingly, those sections as drafted are unacceptable to this Society.

RED CALL THE QUEEN

5. Even worse is the implication of the Constitution Act, 1980, Part V, Section 50(a), providing for amendments "to the Constitution of Canada in relation to ... the office of The Queen, the Governor-General and the Lieutenant-Governor of a province".

The members of the Society fear in the Section a serious threat to the position of the Monarchy in Canada by a possibly misguided Government of Canada, and request therefore that subsection (a) of Section 50 be eliminated totally, or so amended as to render the Monarchy in Canada, and its representatives, safe and invulnerable.

6. The Society also has reservations about the validity of a Referendum, referred to in the Constitution Act, 1980, Section 38(3) et al. The Parliament of Canada, through its elected representatives, is the constitutional voice of the people, and it is for question whether the authority of Parliament is undermined by resort to any referendum. The susceptibility of a referendum system to abuse by an unscrupulous government, especially in the context of a highly complex subject such as the Constitution of Canada, arouses our grave concern, which is not completely dispelled by the reported assurance of the Hon. Jean Chretien, Minister responsible for the legislation, that he would propose amendments "which will ensure that a referendum is to be used only as a deadlock breaking mechanism" (Toronto Globe & Mail, 13th January 1981).

7. The Society wishes to make it clear that it does not in any way object in principle to the "patriation" of Canada's Constitution, and believes that a much simpler form of legislation could achieve that objective if many factors of severe contention, such as those here cited, were avoided.

Respectfully submitted



Brian J. Roffey, President