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February 5th, 1981

Mr. Serge Joyal, M.P.,
House of Commons,
Ottawa, K1A 0A6

Committees and Private
Legislation Branch
Comités et Législation Privée

Hon. Harry Hays, P.C.,
The Senate of Canada,
Ottawa, K1A 0A4

For information: Joint Clerks,
Special Joint Committee on the Constitution of Canada,
Postal Box 1044,
South Block, Parliament Buildings,
Ottawa, Ontario.

Gentlemen:

In reply to your letter of January 9th expressing regret that the National Council of Women of Canada would not be invited to appear before the Joint Committee on Constitutional Reform, I am enclosing a copy of the results of a survey of the membership of the Council. This report is further to the statement which was submitted to the Committee in November.

The Council received a call on December 10th to appear before the Joint Committee, but it was not possible to contact the participants in the time allowed. With the reassurance that another call would come, the invitation was reluctantly declined. It is for this reason that we are anxious for you to have the information which would have been added at the time of the presentation.

The final results of the questionnaire considerably strengthen the section in the initial statement which recommends "that the Constitution be patriated with an amending formula, that formula being either the Victoria or Alberta-Vancouver consensus".

The National Council of Women of Canada is a federation of six Provincial Councils, forty Councils located in major Canadian centres, and twenty-two nationally organized societies, each of whom being a federation in its own right. One Council has eighty-five affiliates. The combined membership of the Council network is approximately 1,500 individual local associations.

On behalf of the Council, please accept our very best wishes for a positive resolution to the complex issues before you.

Very sincerely,

Amy Williams
Amy Williams,
President.

Enclosure:

c.c. Evelyn Harrington, Vice President NCWC, Chairman Special Committee
May Dickson,
Research & IN FEDERATION WITH INTERNATIONAL COUNCIL OF WOMEN
Analysis

Report on
NCWC Questionnaire Survey on Constitutional Reform

Method of Survey

It became evident that the federal government was going to legislate action regarding patriation, the NCWC developed a simple "yes, no" questionnaire which could provide an early response establishing the priorities of members of the NCWC network. Although the government time-frame made survey of our complete membership impossible, we were able to get group responses from some of our local Councils, as well as about 10 individual representatives of federated organizations from across Canada. The returns to our questionnaire should thus provide a reasonable representation of the view of our network.

However, it must be pointed out that in view of the very short time available to us, our coverage of some areas is a bit thin, and many of our respondents were concerned at the lack of background information that could be secured on short notice. Therefore, the survey may not provide as well-informed or representative an opinion as that usually brought forward by NCWC.

Results

On Patriation - Over 90% of the respondents voted in favour of patriation, although about 1/3 did not agree that there is any special urgency. From this it would appear that a strong majority of the NCWC network would favour patriation in the near future, i.e. in 1981 or 1982.

On an Appendix Formula - About 1/3 of our respondents reported that they did not have sufficient background knowledge on which to base an opinion.

Of those who did respond to this question, about 50% favoured the Victoria formula or one based thereon, while the other 50% said that they wanted a formula which could get the support of all, or at least a majority, of the provinces.

Over 2/3 favoured a formula which included a referendum and about the same number specified that the formula must not involve a referendum.

Comments attached to the questionnaire included requests that the territories be involved and some suggestions for a constitutional assembly.

From the above I would deduce: That the NCWC network would like to have the options

Constitutional amendment given more public discussion and that following this an attempt should be made to get the support of as many provinces as possible for a methodology, which could be used both to get the constitution patriated and to promote further constitutional changes after the Act is patriated.

On Entrenchment of a Charter of Rights - All but 7% of the respondents had an interest in whether or not the charter should be entrenched.

Of those interested, 2/3 voted in favour of ultimate entrenchment and if we add another 15% who indicated that they might be in favour at a later date, it would appear that about 80% of the NCWC network would favour having a Bill of Rights entrenched in the constitution.

However, it must be noted that close to half of those that favoured entrenchment volunteered the information that they were against entrenchment at the present time. Comments suggested that there should be more public input into the selection of rights for entrenchment and more attention paid to the legal implications of the wording. There was also a repeated desire that the entrenchment be done in Canada.

Comments from the 20% who voted against entrenchment (the greatest vote against came from the four Western provinces) suggest that a few of them were truly afraid of legal interpretations or of restricted provincial powers, but for the most part this group was rather indifferent to the need for entrenchment, questioning the effectiveness of such a charter, and in effect satisfied with the status quo.

Comments re Rights to be selected for entrenchment

Most frequent comments were:

- (1) That native people, particularly women, be protected.
- (2) Women's rights.
- (3) Mobility rights, particularly employment mobility.
- (4) Language and language education.
- (5) The expression of fundamental freedoms and a good background preamble.
- (6) rights for the disabled.
- (7) Affirmative action.

Questionnaire Survey

Important that the constitution be patriated in the near future?

	<u>Number</u>	<u>%</u>
Yes	133	78
No	14	8
Not Now	24	14
Total	<u>171</u>	<u>100</u>

Do you have a choice for an amending formula?

	<u>Number</u>	<u>%</u>
No	57	34
Yes	114	67
Total	<u>171</u>	<u>100</u>

Yes - Victoria	50	44
Alberta	19	17
Unanimity	34	30
Other	11	9
Total	<u>114</u>	<u>100</u>

Should a charter of rights be entrenched?

	<u>Number</u>	<u>%</u>	<u>%</u>
No	33	21	
Not now	23	14	
Yes	69	44	
Yes, but not now	31	21	
Total	<u>156</u>	<u>100</u>	<u>93</u>
Not sure	1		
Total	<u>157</u>		<u>100</u>