

The Canadian Constitution 2000 A.D.

**A Proposal by the
Canadian Constitution Committee for a
Revised and Updated Constitution
for the Twenty-First Century**

INTRODUCTION

This second printing of our proposed Canadian Constitution 2000 A.D. is a slight revision of the first printing, improving clarity in a few instances and generally strengthening the document. And I want to take this opportunity to thank the many readers of our first printing who were so helpful with their constructive insights and suggestions, and instrumental in making possible an even better quality second printing. It is my hope and prayer that our Constitutional project will make at least a modest contribution in returning our country to Constitutional government and re-establishing this nation as our true 'Home and Native Land.'

Neil Wilson, Chairman
The Canadian Constitution Committee

September, 2002

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and Updated Constitution for the Twenty-First Century**

PREAMBLE

Canada is founded upon Principles that embrace the Supremacy of God and the Rule of Law.

This *Canadian Constitution* is an Act of Sanction to Unite the Several Provinces and Territories as a Confederation established by the Canadian Citizenry for the Purpose of Maintaining Manageable government, Responsible and Accountable to the Canadian Citizenry.

The terms, *Canadian Constitution*, Act and Document, used in the Context of this Charter, shall be Congruous throughout.

Be it Recognized that this Document is fully Binding upon Government and the Canadian Citizenry, and is the Property of the Canadian Citizenry.

The Intent and Content of this Document, when validated through Referendum by the Citizens of Canada, shall become *The Canadian Constitution* dated at the time of Ratification.

And it shall be understood then, that any Law or Action of Government or Law or Action of any Entity or Foreign Power found not Accordant with the Provisions of this Document, shall be of no force or effect within Canada.

It shall continue to be understood that all of Our Inalienable Rights are derived from God and sustained by subsequent English Common Law, and shall not be defined or altered by the State.

PRELIMINARY

1. This Document shall be Cited as *The Canadian Constitution*.

UNION

2. Unless it is otherwise expressed, the Name *Canada* shall be taken to mean, *Canada* as the *Country* established by the Union of the Several Canadian Provinces and Territories.

EXECUTIVE POWER

3. (1) The Executive Government and Authority of and over Canada is hereby declared and to continue to be vested in the Crown.

(2) Any reference to the Crown, insofar as pertinent to this document, shall be interpreted as referring to the Governor-General as the Representative of the Crown..

4. Within One Month of the Acceptance of this Document as The Canadian Constitution, to Assist in the Governance of Canada, the Provincial Premiers together shall constitute a committee to select and present for the Queen's Assent, a Nominee for the Office of the Governor-General of Canada.

5. (1) Within One Month of taking his Oath of Office the Governor-General shall require the Premier of each Province to Present a Citizen Candidate(s) available to the Governor-General's discretion as to the appointments of His Privy Council, and those appointed shall number One from each Province and One from each of the Canadian Territories.

(2) The Governor-General, within One Month of his Privy Councilors' taking their Oath of Office, shall, after consultation with his Council and Premiers, Appoint from amongst the Citizens of each Province, a Lieutenant Governor for each Province and One for each of the Canadian Territories.

6. All Powers, Authorities and Functions which under any Act of the Parliament of Canada, or the Legislatures of the Provinces, shall, after the

validation of this Document by the Canadian Citizenry, be vested and exercisable by the respective Governor-General and Lieutenant Governors, with the Advice and Consent of their appropriate Councils and Members thereof; and such Authority shall continue by the Provisions of this Document until the Canadian Citizenry in Majority direct any order of Government to the Contrary.

7. Until the Crown otherwise directs, the Seat of the Federal Government of Canada shall be in Ottawa.

THE FEDERAL LEGISLATIVE AUTHORITY

8. There shall be One Parliament for Canada, consisting of the Crown, an Upper House styled the Senate, and the House of Commons.

9. The First Session of the Parliament of Canada after the acceptance of this Document as The Canadian Constitution by the Majority of the Canadian Citizenry by Referendum, and Proclamation by the Crown, shall be called within Three Months; and there shall be subsequent Sessions of Parliament at intervals not exceeding Twelve Months.

THE SENATE

10. The Senate shall be comprised of Forty-Six Members, with each Province and Territory electing the following number of Members:

Newfoundland	4	Saskatchewan	4
Nova Scotia	4	Alberta	4
New Brunswick	4	British Columbia	4
Prince Edward Island	4	Yukon	2
Quebec	4	Northwest Territories	2
Ontario	4	Nunavut	2
Manitoba	4		

11. Any Person who has attained the full age of Eighteen years and is qualified as a Canadian Citizen, and is not incarcerated for a Violation of the Statute or Criminal Law of Canada, shall have the privilege of Voting for the Election of a Member of the House of the Senate.

12. (1) Senators shall be Elected for Eight-Year terms, with Half its Members elected every Four Years, on a Constituency basis; and the Bounds of those Constituencies shall be set by the Respective Provinces.

(2) In the First Senate Election, Half the Senators shall be Elected for an Eight-Year term, and Half for a Four-Year term; and the Elections of the Senate shall Coincide with those of the House of Commons, unless for any reason the Governor-General has dissolved either House before the end of the normal term.

(3) The Senate shall convene simultaneously with the House of Commons.

13. At the Beginning of each Session the Senate shall elect from its Members a Speaker.

14. (1) The qualifications of a Senator shall be as follows:

a) He must be a Citizen of Canada for not less than Ten Years, and be not less than Twenty-Eight Years of age.

b) A Senator must principally Reside in the Province or Territory for which he is Elected.

(2) A Senator's seat shall become Vacant in any of the following cases:

1. Failing to give his Attendance for Two consecutive Sessions.
2. If his Citizenship is additionally established with a foreign power, or his principal residence is within the borders of a foreign country.
3. If he is attainted of Treason, or convicted of a Felony or an infamous Crime.
4. If he attains any Public Office outside that pertaining to the Functions of the Senate.
5. If he is subject to a Successful Petition of Recall by the Electors of his Constituency.
6. A Senator may submit, in own hand, to the Senate and Governor-General, Notice of Resignation.

15. When a Vacancy occurs in the Senate by Resignation, Death, Disqualification by the Provisions of this Act, or by Petitioned Recall, a By-election shall be held in the respective Constituency within Six Months.

16. Questions of Senatorial Qualification shall be addressed exclusively by the Senate at large except in case of Petitioned Recall.

17. A Quorum shall be established by the Attendance of Sixty-Five Percent of the Senate Membership.

18. Questions arising in the Senate shall be decided by a Majority of Voices, and the Speaker in all cases shall have a vote; and when the Voices are Equal, the Decision shall be deemed to be in the Negative.

THE HOUSE OF COMMONS

19. The House of Commons shall be comprised of Elected Members to represent the Canadian Citizens in matters of National or International scope.

20. The Governor-General may at any time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons.

21. There shall be a Session of the Parliament of Canada at least Once in every Year, so that not more than Twelve Months shall intervene between Sessions of Parliament.

22. Any Person who has attained the full Age of Eighteen Years and is qualified as a Citizen of Canada, and is not Incarcerated for an Offence under the Criminal or Civil Statute Law of Canada, shall have the Privilege of Voting for the Election of a Member of the House of Commons to represent the Constituency in which said voter resides.

23. For the Purpose of Electoral Process, the Federal Government shall establish Electoral Districts throughout Canada.

1. The Provinces of Canada shall be divided into Electoral Districts, Each of which shall Elect One Member of Parliament.

2. The Electoral Districts shall be established on the basis of Population and Other Considerations, such as manageable land area, environment, industry and resources, etc.

24. Until the Parliament of Canada otherwise provides, all Laws in force in the several Provinces and Territories at the date of Ratification of this Document relative to the following matters or any of them, namely - the Qualifications or Disqualifications of Persons to be Elected or to Sit or Vote as members of the Senate, House of Commons, or Legislative Assemblies of the several Provinces and Territories, the Voters at Elections of such members, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings of Elections, the Trial of controversial Elections, the Proceedings incident thereto, the Vacating of Seats of Members, and the Execution of new Writs in the case of Seats Vacated otherwise than by Dissolution - shall respectively apply to the Election of Members to serve in the Senate, House of Commons, and Provincial and Territorial Legislatures. But any inconsistency found with any of the foregoing matters and procedures vis-à-vis this Document, shall be brought into accord at the earliest possible date.

25. The House of Commons, in its First Assembly after a General Election, shall proceed with all practicable speed to Elect One of its Members to be Speaker.

26. The Number of Members of the House of Commons may from time to time be adjusted to reflect Demographic Changes indicated by Canada's Statutory Decennial Census.

27. (1) The Members of the House of Commons shall be Elected for a Four-Year term, and the Elections of the House of Commons and the Senate shall be held on the same Day (unless One House or the Other is sooner dissolved by the Governor-General).

(2) A Member of the House of Commons shall relinquish his Seat in the House of Commons in any of the Following circumstances:

- a) Failing to give Attendance for Two Consecutive sessions.
- b) If His Citizenship is additionally established with a Foreign Power, or he has a principal residence within a Foreign Country.
- c) If he is attainted of Treason, or convicted of a felony or an Infamous Crime.

- d) If he attains any Public Office outside that pertaining to the Duties of the House of Commons.
- e) If he is subject to a Successful Petition of Recall by the Electorate of his Constituency.
- f) A Member of the House of Commons may submit a Notice of Resignation, in Own Hand, to the Governor-General and to the Speaker of the House of Commons.

28. When a Vacancy occurs in the House of Commons by Resignation, Death, Disqualification by the Provisions of this Act, or by Petitioned Recall by the Electors, a By-election shall be held in the respective Electoral Constituency within Six Months.

29. Questions respecting the Disqualification of a Member of the House of Commons shall be addressed exclusively by the House of Commons, except in the case of Petitioned Recall.

30. In case of a Vacancy occurring at the Chair of the House of Commons, by Death, Resignation, or otherwise, the House of Commons shall immediately Elect Another of its Members to be Speaker.

31. Until the Parliament of Canada otherwise provides, in the case of the temporary Absence for any Reason of the Speaker from the Chair of the House of Commons for a Period exceeding Forty-Eight consecutive Hours, the House shall elect Another of its Members to act as Speaker, and the Member so elected for the Interim of the Absence shall have and Execute all Powers, Privileges, and Duties of the Speaker.

32. No Bill, Action, or Legislation, shall be passed without the Presence in Chambers of Sixty-Five Percent of the Members of Parliament, both in the Senate and House of Commons.

33. Questions arising in the House of Commons shall be decided by a Majority of Voices other than that of the Speaker, and when the Voices are equal, but not otherwise, the Speaker shall have a Vote.

34. The Speaker shall Preside at all Meetings of the House of Commons.

MONEY VOTES; ROYAL ASSENT

35. Bills brought forward to appropriate Any Part of the Public Revenue, or for imposing any Tax or Impost at the Federal Level, shall Originate in the House of Commons, and be Only for the Purposes incident to the Jurisdiction of the Federal Government.

36. It shall not be Lawful for the House of Commons, or any of the Members of such, to adopt or pass any Act, Order-in-Council, Address, or Bill for the Appropriation of Any Part of the Public Revenue to any Purpose that has not been First Recommended to that House by Message of the Governor-General in That Session; and Any Tax or Impost resulting from such action shall be Valid only after acquiring the Consent of the Governor-General-in-Council.

37. A Bill that is passed by the Houses of Parliament shall be presented to the Governor-General for His Assent, Withholding of that Assent, or Reservation of His Decision pending Consultation with the Queen's Council as subject to the Provisions of this Act.

38. Where the Governor-General Assents to any Action of the House of Commons, He shall by first Opportunity deliver a Copy of such Action to the House of the Senate; and any Act, Order-in-Council, or Address, given to the House of the Senate, and Not given Approval by that Senate, shall immediately be returned to the House of Commons with Written Message, Speech or Proclamation as to the Requirements needed to satisfy the Senate.

39. Any Money Act, Order-in-Council, Address or Bill debated in the House of Commons for more than Two Sessions shall be dismissed.

40. An Entry of Every Speech, Message or Proclamation shall be made in the Journal of each House of Parliament, and a Duplicate thereof duly attested shall be delivered to the proper Officer to be kept among the Records of Canada.

PROVINCIAL CONSTITUTIONS

Executive Power

41. (1) For each Province there shall be an Officer, styled the Lieutenant Governor, appointed by the Governor-General-in-Council by Instrument under the Great Seal of Canada.

(2) And the Lieutenant Governors, with the Advice and Consent of the Governor-General-in-Council, shall appoint, each in his respective Province, an advisory Executive Council of respected citizens of his Province, and referring to the Lieutenant Governor-in-Council shall be construed as referring to the Lieutenant Governor acting by and with the Advice of his Executive Council.

42. The Lieutenant Governor shall be appointed for a Five-Year term, with reappointment left to the Discretion of the Governor-General-in-Council.

43. The Office of Lieutenant Governor may become Vacant by notice of Resignation given in Own Hand by that Lieutenant Governor to the Governor-General of Canada.

44. The Removal of the Lieutenant Governor may be effected only at the Discretion of the Governor-General-in-Council.

45. The Salaries of the Lieutenant Governors and Budget Appropriations for the operation of their Offices, shall be set and provided for by the respective Provincial Legislatures.

46. The Salary of the Governor-General shall be set by the Queen's Canadian Privy Council, and, together with the expenses incident to his Office, shall be shared and paid by the Provinces and Territories in proportion to their Respective Population as determined by the most recent Decennial Census figures.

47. Every Lieutenant Governor shall, before assuming the Duties of his Office, make and subscribe before the Governor-General or some Person authorized by him, Oaths of Allegiance and Office similar to those taken by the Governor-General.

48. The Lieutenant Governors, with the Advice of their Executive Councils, may advise their respective Legislatures concerning the Constitutional Validity of any Action, Order-in-Council, or Bill, as it pertains to the Provincial and Federal Constitutions and the respective Jurisdictions.

49. Any Provincial Legislature may advise the Governor-General from time to time to appoint an Administrator to execute the Office and Functions of the Lieutenant Governor during his temporary Absence, Illness, or other Inability in excess of Forty-Eight Hours.

Provincial Legislative Authority

50. The Seats of the Provincial Legislatures and those of the Territories, until otherwise provided for, shall be as follows: British Columbia - Victoria; Alberta - Edmonton; Saskatchewan - Regina; Manitoba - Winnipeg; Ontario - Toronto; Quebec - Quebec City; New Brunswick - Fredericton; Nova Scotia - Halifax; Prince Edward Island - Charlottetown; Newfoundland - St. John's; Yukon - Whitehorse; Northwest Territories - Yellowknife; Nunavut - Iqaluit.

51. The Provinces shall exercise their Sovereignty within their respective Jurisdictions as provided for by this Act.

52. The Electoral Districts of the Provinces shall be set by the respective Provincial Legislatures.

53. The Lieutenant Governor shall convene his respective Provincial Legislature or Legislative House.

Provincial Legislators

54. The Qualifications of a Member of a Provincial Legislature shall be as follows:

1. He must be a Citizen of Canada for not less than Five Years, and a Resident of said Province for not less than One Year.
2. He must not, at the time of filing as a Candidate in a Provincial Election, be either incarcerated or under Sentence for a Felony.

55. The Seat of any Provincial Member of a Legislature shall become Vacant for any of the following reasons:

1. Failing to give his Attendance for two consecutive Sessions.
2. If he establishes Citizenship with any Foreign Power, or establishes his principal Residence within the borders of a Foreign Country.
3. If he is attainted of Treason or Convicted of a Felony.
4. If he attains any Public Office, beyond his Duties as a Provincial Legislator while holding a Seat in the Provincial Legislature.
5. If he is subject to a Successful Petition of Recall by his Electorate.

56. When a Vacancy occurs in the Provincial Legislature by Resignation, Death, Disqualification by the Provisions of this Act, or by Petitioned Recall by his Electorate, a By-election shall be held in the respective Constituency within Six Months of the Vacancy.

57. Questions of Disqualification shall be addressed by the Provincial Legislature and the Lieutenant Governor.

58. Until the Provinces and Territories otherwise provide, the Election Laws of the Provinces and Territories shall remain in Continuance as Prior to the Ratification of this Document by the Citizenry of Canada.

59. Every Canadian Citizen of the full age of Eighteen Years, unless incarcerated for being in Violation of the Statute, Criminal or Common Law of Canada, shall have the Privilege of Voting in Provincial Elections.

60. Every Provincial Legislature shall be elected for a Four-Year term, unless sooner dissolved by the Lieutenant Governor of the Province.

61. There shall be a Session of the Provincial Legislatures at least Once every Year, so that there shall not be more than Twelve Months between Sessions.

62. The Premiers of Every Province shall jointly Convene at least Annually at their mutual convenience.

63. The Provisions of this Act relating to the House of Commons as to the Requirements and Qualifications of Members and Speaker, the Elections of such, Quorum, Mode of Voting and the contesting of such, shall extend and apply to the Legislatures of the Provinces and Territories..

64. The Constitution of each Province shall continue as it existed before the implementation of this Act, insofar as it is Accordant with the Provisions of this Act.

65. The Provinces shall retain the Authority of their Constitutional Privilege exclusively through their Legislatures, supported by the Intent and Content of this Document.

DISTRIBUTION OF LEGISLATIVE POWER

Jurisdiction of Parliament

66. (1) Any Amendment of the Constitution of Canada shall require the Endorsement of the Citizenry of at least Seven Provinces whose combined population makes up Not Less Than Fifty Percent of the Total Canadian Population (as determined by the latest Decennial Census), by way of Separate Provincial Referenda; and the Outcome of these Referenda shall be Binding on Government. If the respective Vote is in the Negative, no Order of Government shall originate Referenda on such Particular Subject for a Period of Three Years.

(2) And Further, any Proposed Amendment of the Canadian Constitution held in favour by way of such Referenda, shall require Seventy Percent support of the House of the Senate, and the Endorsement of the Governor-General-in-Council.

67. (1) It shall be lawful for the Crown, by and with the Advice and Consent of the Senate and the House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters Not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, it is hereby declared that the exclusive Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say:

1. The Federal Public Debt and Federal Property.

2. The Regulation of Trade and Commerce as an Agent of the Provinces.
3. The Regulation of Unemployment Insurance and National Statistics of such, but no such Regulation shall infringe upon any Provincial Law in respect thereto.
4. The Raising of Money by any Mode or System of Indirect Taxation to provide for the areas of Federal Jurisdiction as Specified by this Act; and for the Purpose of this Act, a Sales Tax shall be interpreted as an Indirect Tax, and it is further understood that the Implementation of an Indirect Tax upon Non-renewable Natural Resources, Forestry Resources and Electrical Energy, shall be retained exclusively by the Provinces.
5. The Borrowing of Money from the Bank of Canada, and the Sale of Canadian Treasury Bills and Canadian Bonds to Canadians exclusively.
6. Regulation of Postal Service.
7. The Census and Statistics.
8. Army, Navy, Air Force, Coast Guard and any other National Defense Service.
9. The Fixing of and Providing for the Salaries and Allowances of Civil Servants and other Employees of the Federal Government.
10. Beacons, Buoys, Lighthouses, and Sable Island.
11. Navigation and Shipping.
12. Quarantine and the Establishment and Maintenance of Marine Hospitals.
13. Sea Coast and Inland Fisheries, only as an Agent of the Provinces respecting International and Internal disputes.
14. Ferries between Provinces and to any Foreign Country.
15. Currency and Coinage.
16. Banking, Incorporation and Regulation of Banks.
17. Regulation of Savings Banks.
18. Bills of Exchange and Promissory Notes.
19. Interest Rates.

20. Legal Tender.
21. Bankruptcies and Insolvency Regulation.
22. Patents of Invention and Discovery.
23. Weights and Measures.
24. Copyrights.
25. Aboriginal People and Lands reserved for Aborigines.
26. Naturalization of Aliens and the Entry Qualifications necessary.
27. Marriage and Divorce.
28. The Criminal Law, except the Constitution of the Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.
29. The Establishment, Maintenance and Management of Federal Penitentiaries and holding facilities for suspect immigrant applicants.
30. All other subjects that are entirely National or International in magnitude and not those expressly enumerated as the exclusive Jurisdictions of the Provinces.
31. Environmental Issues, as an Agent of the Provinces in National or International Disputes.
32. Air Traffic and National Transportation.

(2) And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a Local or Private nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces.

(3) And for greater Certainty, it is hereby declared that it shall not be Lawful to Interdelegate or exchange Constitutional Powers or Jurisdictions between the Provincial and Federal Orders of Government.

Exclusive Jurisdiction of Provincial Legislatures

68. In each Province the Legislature may Exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated:

1. Direct Taxation within the Province in order to the raising and allocation of Revenue for Provincial Purposes.
2. The Borrowing of Money on the Sole Credit of the Province.
3. The Establishment and Tenure of Provincial Offices and the Appointment and Payment of Provincial Officers and Employees.
4. The Management and Sale of Public Lands belonging to the Province, and the Natural Resources thereon.
5. The Establishment, Maintenance and Management of Prisons and Reform Institutions in and for the Province.
6. The Establishment, Maintenance and Management of Hospitals, Asylums, Charities and Benevolent Institutions in and for the Province.
7. Municipal Institutions.
8. The Regulation of Business Licensing as an Agent of the Municipalities.
9. The Infrastructure of the Province, including Communications; Transportation; Pipelines and all such works that move Goods, Services, Information, and People, within the Province.
10. The Incorporation of Companies and Registration of such within the Province.
11. The Solemnization of Marriage within the Province.
12. The Establishment and Preservation of Property and Civil Rights within the Province.
13. (1) The Administration of Justice, including the Constitution, Maintenance and Organization of Provincial Courts, and including Procedure in Civil Matters in those Courts of the Province.

(2) The Establishment and Maintenance of a Provincial Police Force.

14. The Imposition of Punishment by Fine, Penalty, or Imprisonment, for Violation of any Law of the Province made in Relation to any Matter coming within any of the Classes of Subjects enumerated in this Section.
15. Health Care, including the Establishment and Maintenance of Hospitals, Staffing, Salaries and Public Health Insurance.
16. The Implementation and Administration of Unemployment Insurance.
17. Environmental Legislation and Regulation.
18. Generally, all Matters of a Local or Private Nature within the Province.

69. Any Amendment of a Provincial Constitution, except for a Revision made for the Purpose of Compliance with this Document, shall require Sixty-Five Percent Support of the Provincial Constituencies through Referendum Process, and the Support of Sixty-Five Percent of the Members of the Respective Provincial Legislature; and if the Vote is in the Negative, no further Referenda on such Particular Subject may be held within the following Three Years.

Non-Renewable Natural Resources, Forestry Resources and Electrical Energy

- 70. (1)** In each Province the Legislature shall exclusively make Laws in Relation to:
- a) Exploration for non-renewable natural resources within the province;
 - b) Development, conservation and management of non-renewable natural resources and forestry resources in the province, including laws in relation to the rate of primary production therefrom; and

- c) Development, conservation and management of sites and facilities in the province for the generation and production of electrical energy, and the environmental consequences of such.

(2) In each Province, the Legislature shall make Laws in relation to the export from the Province of the primary production from non-renewable natural resources and forestry resources in the Province and the production from facilities in the Province for the generation of electrical energy, but such laws may not authorize or provide for discrimination in prices or in supplies exported to another part of Canada.

(3) In each Province, the Legislature shall exclusively make Laws to collect Revenue by any Mode or System of Direct or Indirect Taxation relating to the following subjects, but shall not implement Indirect Taxation for any other purpose:

- a) Non-renewable natural resources and forestry resources in the province and the primary production therefrom; and
- b) Sites and facilities in the province for the generation of electrical energy and the production therefrom,

whether or not such production is exported in whole or in part from the Province; but such Laws may not authorize or provide for taxation that differentiates between production exported to another part of Canada and production not exported from the Province.

(4) Primary Production shall be defined as the production from a renewable or non-renewable natural resource in its initial form in which it exists upon its recovery or severance from its natural state; or it is a product resulting from processing or refining the resource and is not a manufactured or synthetic product resulting from further refining of crude oil, refining gases or liquids derived from coal, a refined equivalent of oil, or a final product, synthetic or otherwise, derived from an agricultural or fisheries resource.

- a) In production of a forestry resource, Primary Production shall be construed as sawlogs, poles, lumber, woodchips, sawdust, woodpulp, and is not a product manufactured from wood.
- b) If it is a material such as metal, plastics, wood, paper, oil, rubber, cloth, glass, or any other material to be reprocessed into final product, it shall be construed as primary product before it is further refined or modified into final product.

Coastal and Inland Fisheries

71. The Provincial and Territorial Legislatures shall exclusively make Laws for the Management of their respective Coastal and Inland Fisheries.

72. (1) The Federal Government may make Laws regarding Access to Coastal and Inland Fisheries as an Agent of the Provinces, to aid in International and Internal Disputes, and the Environmental Preservation of Inland and Coastal Waters; but no such Law shall allow for Foreign intrusion of Canadian Waters for the purpose of obtaining the Primary Product of Fish without the Consent and Specified Quota of the respective Province.

(2) The Federal Government shall ensure the Compliance of Provincial Fishing Regulation and Law, and shall arbitrate on behalf of the Provinces in Cases of International Dispute over Canadian Fishing Waters or Dispute between provinces sharing such Waters.

Agriculture

73. (1) The Federal Government shall make Laws regarding Agriculture for the purposes hereinafter, as follows:

- a) Guaranteeing the unrestricted Movement of Agricultural Products and Services between Provinces.
- b) Promoting International Trade of Agricultural Product.
- c) Ensuring Uniformity of Provincial Support Programs; and

(2) No such Law or Regulation shall create any Advantage or Disadvantage over or in any Province in respect to Agricultural Production.

74. (1) The Provincial Legislature of each Province shall make Laws regarding Agriculture for the Purposes hereinafter, as follows:

- a) Agricultural Property Ownership and Control of such.
- b) Environmental Impact of such.
- c) Support Programs, including the Establishment and Management of Agencies to administer such; and

(2) No Law of the Federal or Provincial Governments shall revoke, impede, or in any way obstruct Agricultural Diversification within or between provinces, or in any way restrict the Movement of Agricultural Product between provinces.

Immigration

75. In each Province the Legislature shall make Laws in relation to Immigration into respective Province, but no such Law shall infringe upon the right of movement of any Canadian Free Citizen within Canada.

76. The Federal Government shall make Laws respecting Immigration relative to the following requirements:

1. Documentation of Citizenship from Parent Country.
2. Immigrant's Legal Status from Parent Country.
3. Status of Political Climate in Parent Country.
4. Employability and Self-sufficiency of Applicant.
5. Health Status of Applicant.

77. Every Provincial Government shall Annually advise the Federal Immigration Department as to the number of Immigrant Workers, listing Skills, Trades and Qualifications, that are needed within that said Province for the following Twelve Months.

Health Care

78. Provincial Legislatures shall exclusively make Laws respecting Health Care within their respective Provinces.

79. The Federal Government shall make Laws relating to Quarantine and Epidemic Disease.

Education

80. The Parent shall and continue to retain the Responsibility for choosing the Means by which their Children are educated.

81. The Provincial Legislatures shall make Laws regarding Education and be Responsible for the following:

- a) The Appropriation and Distribution of Monies to support Educational Facilities and Staffing.
- b) The Establishment of a Course-Related funding System that is Equally Vouchered to the Learning Institution of the Parents' choice.
- c) The Setting of Curricula and the Competency Tests of such.
- d) Post-Secondary Scholarships, Bursaries or Grants, to relieve financial need or for the reward of Scholastic Achievement, may, at the Discretion of the Minister of Education, be provided over and above voucher funding.
- e) There shall be a True Copy of the Canadian Constitution in the Library of every Canadian Educational Institution.

Seniors' Pensions

82. The Parliament of Canada may from time to time make Laws in relation to Seniors' Pensions and Supplementary Benefits, but no such Law shall affect the operation of any Law, or Present or Future Legislation, of any Province in relation to such Subject.

Judicature

83. The Governor-General-in-Council shall appoint the Judges of the Supreme Court of Canada, and the Judges of the Superior, District and County Courts in each Province, except those of the Courts of Probate and Civil Courts of the Provinces.

84. From the date this Document is validated by the Canadian Citizenry as The Canadian Constitution, the Judges of these aforesaid Courts under

Federal Jurisdiction must be selected from Candidates who are Members of and are recommended by their respective Provincial Bars.

85. Candidates for appointment to the Supreme Court of Canada shall first appear before an All-Party Parliamentary Committee comprised of Senators and Members of the House of Commons, for questioning concerning their Qualifications, following which the Governor-General, after consultation with said All-Party Committee and his Council, shall appoint at his Discretion, the new Member or Members of the Court.

86. The Supreme Court of Canada shall be comprised of Eleven Members, One from each Province and One from the Territories combined, each of whom shall be a Member of, and have been recommended by, his respective Provincial or Territorial Bar.

87. A Quorum for Supreme Court sittings shall be Seven Members.

88. The Salaries of all Judges, Officers and Employees of the Supreme Court of Canada, the General Court of Appeals of Canada, and the Courts of Federal Jurisdiction within the Provinces, shall be set by the Office of the Governor-General; and an Exclusive Fund shall be established and maintained by the Provinces in proportion to the Population of each Province; and the House of the Senate shall be the Allocative Authority of the Salaries from this Fund.

89. The Judges of the Civil Courts of each Province must be selected from Candidates who are Members of and recommended by their Provincial Bars; and they shall be Appointed by the Lieutenant Governor of said Province after Consultation with his Executive Council and his Attorney-General.

90. The Salaries of all Judges, Officers and Employees of Courts under Provincial Jurisdiction, and all costs arising from Providing for and Maintaining these said Courts, shall be the responsibility of the respective Provincial Government.

91. The Judges of the Courts of Quebec shall be selected from the Bar of that Province.

92. The Constitutions of Courts under Provincial Jurisdiction shall be established by the respective Attorneys-General of the Provinces, after con-

sultation with their respective Lieutenant Governors-in-Council; and likewise, the Constitutions of Courts under Federal Jurisdiction shall be established by the Solicitor-General of Canada, after consultation with the Governor-General-in-Council.

93. No Judge of any Court within Canada may hold Judicial Office beyond the age of Seventy-Five Years.

94. No Committee, Tribunal, Taskforce, or any other Government Agency, other than those Courts established by the Grace of the Crown, may pass Judgement or Sentence.

Assets, Debts, Revenue, Taxation, Equalization

Assets

95. The Public Works and Property within each Province of Canada, enumerated in the Third Schedule of this Document, shall be the Property of Canada.

96. All Lands, Mines, Minerals and Royalties within situate Province shall belong to that Province.

97. All Property and Assets connected to or attached to the Public Debt of the Federal Government of Canada, shall belong to Canada.

98. All Property and Assets of each Province attached or connected to the Public Debt of that respective Province shall belong to that Province.

99. The Several Provinces shall retain all respective Public Property not otherwise disposed of in this Act, subject to the right of Canada to assume any Lands or Public Property required for Fortifications or for the Defense of Canada.

Debts

100. The Public Debt of the Federal Government and the Annual Interest thereon shall be the Responsibility of the Federal Government.

101. The Public Debt of each Province and the Annual Interest thereon shall be the Responsibility of each Provincial Legislature.

Revenue

102. The Federal Government of Canada shall establish One General Revenue Fund to provide for the Functions of the Federal Public Service of Canada, to service its Respective Jurisdictions as provided for by this Act.

103. In each Province, the Legislature shall form One General Revenue Fund for the Functions of the Public Service of that respective Province.

104. All Customs Duties, Tariffs and Service Charges on Imported Goods shall form Revenue for the Federal Government of Canada.

National Equity

105. The Provinces together, may establish and maintain a common fund to provide for any necessary allocation of Monies to ameliorate the disparity of opportunity of any Province, or to elevate the Public Service of any Province to a Comparable level relative to the National Average; and the Allocative Authority of such Fund shall be the Responsibility of the House of the Senate.

Taxation

106. The Federal Government has Jurisdiction and Power to raise revenue by any mode or system of Indirect Taxation with Respect to and within its Constitutional Areas of Jurisdiction; and for Greater Certainty, except within those Provincial Jurisdictions as expressed as the Exclusive Jurisdictions of the Provinces.

107. The Provincial Governments shall retain the Exclusive Jurisdiction to collect Revenue by way of Direct Taxation, and any other Mode of Taxation, in respect of Non-Renewable Natural Resources and Forestry Resources in the Province and the Primary Production therefrom; and, including Sites and Facilities in the Province for the Generation of Electrical Energy and the Production therefrom.

108. All Articles of Growth, Produce or Manufacture of any Province shall be admitted free of Tax or Tariff into any of the other Provinces.

109. Any Foreign Power, Person or Entity, doing Business within Canada, shall be liable to Equivalent Taxation, Tariffs and Regulation as apply to the Canadian Citizenry; and, an Office for such Business Operations within Canada shall be established within Canada, and be subject to Canadian Audit.

110. No Lands or Property belonging to Canada or any of the Provinces or Canadian Territories shall be liable for Taxation.

GENERAL PROVISIONS

111. (1) Every Member of the Senate or House of Commons of Canada shall before taking his Seat therein take and subscribe before the Governor-General or some Person authorized by him, and every Member of a Legislative Council or Legislative Assembly of any Province shall before taking his Seat therein, take and subscribe before the Lieutenant Governor of the Province or some Person authorized by him, the Oath of Allegiance contained in the Fifth Schedule to this Act; and every Member of the Senate of Canada and every Member of the Legislative Council of Quebec shall also, before taking his Seat therein, take and subscribe before the Governor-General, or some Person authorized by him, the Declaration of Qualification contained in the same Schedule.

(2) The Governor-General shall take and subscribe an Oath of Allegiance to the Crown and to the Observance and Upholding of the Constitution of Canada.

112. The Governor-General-in-Council may from time to time Appoint such Officers as deemed necessary or proper for the effectual Execution of this Act.

113. The Parliament and Government of Canada shall have all Powers necessary or proper for exercising its Jurisdiction in Foreign Policy and External Relations; but under no circumstances shall the Federal government or its Agencies make any Treaty or Agreement, or take any Action, that would in any way diminish Canada's National Sovereignty or Provincial Jurisdiction, without first holding a National Referendum on such matter, and the Citizens' Verdict in such case shall Prevail and be Binding upon the Federal Government.

114. (1) Either the English or the French Language may be used by any Person in the Debates of the Houses of Parliament of Canada and of the Houses of the Legislature of Quebec; and both these Languages shall be used in the respective Records and Journals of those Houses; and either of those Languages may be used by any Person or in any Pleading or process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

(2) The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed in both aforesaid Languages.

115. In each Province the Legislature may exclusively make Laws to provide for the Preservation of, or Recognition of, the Cultural or Linguistic Needs of that Province.

116. Until altered by the respective Lieutenant Governor-in-Council, the Great Seal of each Province shall respectively be of the same Design as that used in precedent before the implementation of this Act.

117. From and after the Ratification of this Act, the words "Upper Canada" instead of "Ontario" or "Lower Canada" instead of "Quebec" in any Deed, Writ, Process, Pleading, Document, Matter or Thing, shall not invalidate the same.

118. The Lieutenant Governor of Quebec may from time to time, by Proclamation under the Great Seal of the Province, to take effect from a Day to be appointed therein, constitute Townships in those Parts of the Province of Quebec in which Townships are not then already constituted, and fix the Metes and Bounds thereof.

119. (1) Every Canadian Citizen shall have the Privilege and Right to the Ownership and Control of Property within Canada for the Benefit of Self and Those peripheral.

(2) No Law or Action of any Order of Government or of any other Entity may infringe upon the Ownership and Control of any Property within Canada without Process of Claim in a Court of Law, and the entire Costs incident to that Action shall be assumed by the Entity initiating such Action.

SCHEDULES

The First Schedule

Inasmuch as The Constitution of Canada is the Supreme Law of the Land,

- (1)** It shall be understood that a Violation of this Document by any Citizen of Canada shall have severe Consequences under the Provisions of this Document.
- (2)** It shall be understood that any Violation of the Constitution of Canada by a Foreign Person, Institution, Corporation or Power, or any Action deemed to be Detrimental to any Segment of the Canadian Citizenry by such Entity, may result in Eviction from Canada of that Offending Entity.
- (3)** It shall be understood that any Violation of The Canadian Constitution by a Government Official may be deemed a Breach of Trust and result in Dismissal from Office and appropriate Criminal charges applied.
- (4)** Every Canadian Citizen, regardless of his Estate, shall be Equal before the Law and entitled to the Protection of this Document and the Justice afforded under English Common Law.
- (5)** The Governor-General-in-Council, after the Validation of this Document as The Canadian Constitution, shall be Commissioned by the Crown and the Citizens of Canada, to enforce the Legality and Intent of this Document in Political, Judicial and Civil Proceedings, and shall direct the respective Orders of Government or Judiciary to Sanction and Implement any Provision applicable to such specified case.

The Second Schedule

“Initiative Referendum”

The Governor-General shall ensure at the First Session of Parliament after The Canadian Constitution is validated by a National Referendum, that a Procedure of Initiative Referendum is incorporated into the Canadian Parliamentary System, which shall authorize the Citizens of Canada, by the Authority of this Act, the right to Initiate Referenda for the Purposes hereinafter enumerated:

- (1) Striking or Amending any Law that is repugnant to a majority of the respective Canadian Electorate.
- (2) Validating or Rejecting any Legislation or Action submitted to the Electorate by any Order or Level of Government.
- (3) To formulate and Pass into Statute Law any Bill, Act or Legislation.
- (4) Recalling any Elected Member of any Order of Government in Canada.
- (5) The Acceptance or Rejection of any International Law, Authority or Treaty.
- (6) Amending the Constitution of any Order of Government in Canada.
- (7) Requesting the Governor-General, Lieutenant Governor or chief Executive Officer, with respect to their specific jurisdiction, to Terminate the Mandate of any Canadian Government, whether Federal, Provincial, Regional, Municipal, or otherwise.

And, furthermore, the Governor-General shall take all necessary steps to ensure that —

- a) Any Law found within the Jurisdiction of any Order of Government in Canada shall continue in force insofar as it is accordant with the Provisions of this Document.
- b) Any Officer or Employee of any Order of Government or Government Agency shall be accountable to the Canadian Citizenry for the performance of his Duties.

c) Any Agency of any Order of Government, upon request of Canadian Citizens, shall provide Full Disclosure by Annual and Independent Audit in Matters hereinafter enumerated:

1. Management of public funds;
2. Performance of service;
3. Salaries of administrators and employees; and
4. International representation.

The Third Schedule

The Public Works of Canada within the Provinces

1. Canals, built for the purpose of commercial or military navigation, including Lands and the Water Power connected therewith.
2. Public Harbours.
3. Lighthouses and Piers, and Sable Island.
4. Steamboats, Dredges, and Other Public-service Vessels.
5. Inter-provincial water courses.
6. Railways and Railway Stocks, Mortgages, and other Debts due by Railway Companies that are owned by the Government of Canada.
7. Military Roads.
8. Custom Houses, Post Offices, and other Public Buildings except such as the Government of Canada appropriates for the use of the Provincial Legislatures and Governments, and those which are the property of other Orders of Government.
9. Property transferred by the Imperial Government, and known as Ordinance Property.
10. Armouries, Drill Sheds, Military Clothing, and Munitions of War, and Lands set apart for Military Purposes.

The Fourth Schedule

Defence of Canada

1. The Governor-General shall direct the Prime Minister to Assemble Parliament to Prepare any Declaration of War, Prosecution of Insurrection, Peace-Keeping, or Address any other Matter of National Security where any Disposition of any Part of the Canadian Armed Forces is required.
2. The Federal Government shall Support and Maintain the Canadian Armed Forces and Coast Guard, each with its Reserve Component, for the Defense of Canada, Assistance of Allies, and Support of Civil Authorities in National Emergencies.
3. The Federal Government may dispose Parts, or All of the Canadian Armed Forces, for the Defense of Canada, or for the Support of Canada's Allies, or for Peace-Keeping Purposes, upon acquiring at least a Seventy-Five Percent Majority in both Houses of Parliament for such Proposed Action.
4. The Federal Government shall commission any Portion of the Canadian Armed Forces in Response to a Declared State of Emergency of any Province.
5. The Federal Government shall Commit Canadian Armed Forces Personnel to Contain any Federal State of Emergency and, if such State of Emergency persists and continues for a Period of Forty-Eight Hours, further Commissioning of the Canadian Armed Forces shall require Seventy-Five Percent Support of Both Houses of Parliament and the Consent of the Governor-General of Canada.
6. The Federal Government shall at all times appropriate Necessary Revenue to Maintain and Enhance Canada's Armed Forces for the Defense of Canada and to Support Canadian Allies.

The Fifth Schedule

OATH OF ALLEGIANCE:

I, A.B., do swear, that I will faithfully bear true Allegiance to the Crown, Canada, and The Canadian Constitution.

DECLARATION OF QUALIFICATION

I, A.B., do declare and testify, That I am duly qualified to Sit as a Member of the (Parliamentary Body) according to the Provisions of this Act, and that I will faithfully bear true Allegiance to the Crown, Canada, and Canada's Constitution.

The Sixth Schedule Referenda Criteria

Initiative, in this Context, shall be defined as the Literal Will of the Citizenry presented to Government in Text, Legal Form, or Resolution.

Referendum/referenda, in this Context shall be defined as the Process of referring a legislative proposal to the Electorate for its Acceptance or Rejection.

1. The sponsorship of any Initiative of the Citizenry presented to any Order of Government, shall require the Signatures of 5% (five percent) of the Electorate within the relative jurisdiction; and that initiative must be accepted by that Order of Government and put forward to that Electorate no later than 60 (sixty) days from the receipt of Text of that Initiative.
2. The sponsorship of an Initiative to amend or strike any part of the Constitution of Canada, shall require 8% (eight percent) of the Canadian Electorate, and at least 8% within each of eight Provinces.
3. Any Emergency Order, Act or Bill of any Order of Government that includes restrictions respecting the duration of its implementation, shall not have effect beyond its specified limits without first acquiring the assent of the respective Electorate by way of Referendum.
4. Any Law, Action, Order-in-Council or Legislation that is successfully Repealed by Referendum shall not terminate the respective Government.
5. Any successful Initiative of the Electorate ratified through Referendum, shall take immediate effect unless otherwise provided for by the Measure.

6. No Referendum presented shall include more than one Agenda or Subject.
7. No successful Initiative of the Citizenry may be amended or struck by any Order of Government for Three years from ratification; and thereafter any amendment or strike shall require 75% (seventy-five percent) favour in both Houses of Parliament, or of the Provincial Legislature, or of any legislative body relative to the jurisdiction of the Initiative.
8. When two or more Initiatives on the Same Subject are simultaneously brought forward by Government Referendum, but having differing agenda, they shall both be presented at once to the Electorate; and the one receiving the greatest Electoral Support shall prevail.
9. Any Government-sponsored Referendum that is defeated by the Vote of the Electorate, shall not be initiated or brought forward by Government for Five Years.
10. Any Initiative involving a Federal Jurisdiction shall be first presented to the Office of the Governor-General for the purpose of ascertaining its Constitutional legitimacy; then either returned to the Initiator for correction, or forwarded to the House Commons and Senate to present to the Citizenry as Referendum.
11. Initiatives involving other Jurisdictions shall likewise be presented to the Lieutenant Governor respecting Provincial Jurisdiction, or to the Chief Executive Officer respecting any other Jurisdiction, to ascertain Constitutional Legitimacy of the Initiative before it is put to the respective Electorate.
12. Any Successful Referendum shall require the support of 51% (fifty-one percent) of the Ballots cast, with the exception of Referenda for the purposes of amending the Constitution of Canada, in which case the support of 55% (fifty-five percent) of the Ballots cast shall be required.

Recall

Recall, in this context, is defined as the process which the Electorate may use to remove an Elected or Publicly-Paid Government Official from Office.

1. a) A Petition of Recall at the Federal Level shall be presented to the Office of the Speaker of the respective Government House, of which the Person Named is a Member; or, in the case of a Publicly-Paid Official, to the Minister of the Department in which the Person is involved.
b) The same procedure shall also apply at the Provincial Level; and at the levels of all other Orders of Government, the Petition of Recall shall be presented to the Clerk of the Council.
2. A Petition of Recall of an elected official shall require the Valid Signatures of 10% (ten percent) of the Registered Voters of the affected Constituency.
3. A By-election shall be held within 60 (sixty) days to replace any Elected Member of respective Order of Government removed from office by successful Petition of Recall.
4. A Vote of Recall held in any jurisdiction shall require 60% (sixty percent) of the Ballots cast in support of the Recall to remove any Elected Official.
5. The Government of Canada shall be responsible for publicizing the Petition of Recall when the Petition affects a Federally-Elected Person.
6. And likewise, all other Orders of Government shall be responsible for publicizing Petitions of Recall involving Elected Members and any other Publicly-paid Official affecting the specific Jurisdiction.

INDEX

<i>Subject</i>	<i>Page Number</i>
Preamble	1
Executive Power	2
Federal Legislative Authority	3
The Senate	3
The House of Commons	5
Money Votes; Royal Assent	8
 PROVINCIAL CONSTITUTIONS	
Executive Power	9
Provincial Legislative Authority	10
Provincial Legislators	10
 DISTRIBUTION OF LEGISLATIVE POWER	
Jurisdiction of Parliament	12
Exclusive Jurisdiction of Provincial Legislatures	15
Non-Renewable Natural Resources, Forestry Resources & Electrical Energy	16
Coastal and Inland Fisheries	18
Agriculture	18
Immigration	19
Health Care	19
Education	20
Seniors' Pensions	20
Judicature (Courts, etc.)	20
Assets	22
Debts	23

Revenue	23
National Equity	23
Taxation	23
GENERAL PROVISIONS	24

SCHEDULES

The First Schedule: The Constitution of Canada is the Supreme Law of the Land	27
The Second Schedule: “Initiative Referendum”	28
The Third Schedule: the Public Works of Canada within the Provinces	29
The Fourth Schedule: Defence of Canada	30
The Fifth Schedule: Oath of Allegiance and Declaration of Qualification	30
The Sixth Schedule: Referenda Criteria	31
Recall	33
For further information	36

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