# Module 1: Government and Law

# Section 1: Canada’s Legal System

# Activity Package 3--KEY

**Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Block: \_\_\_\_\_\_\_\_\_\_\_\_**

**Resource:** **Counterpoints** Chapter 9, p. 270-290 + Ch 10. p. 299-300

**Constitution Backgrounder**

1. The idea that people are governed by the law and that no one is above the law is known as **RULE OF LAW**
2. The Constitution established **TWO** levels of government.
3. Canada’s 1st written constitution was the **BNA ACT**.
4. The **BILL OF RIGHTS** was the 1st attempt to formally recognize and protect human rights in Canada. Two problems with it was that it could be easily **CHANGED** and that it did not **OVERRIDE** federal or provincial laws.
5. Under the BNA Act, any changes to Canada’s laws had to be approved by **BRITAIN**.
6. Section 91 of the Constitution defines the roles for the **FEDERAL** Government.
7. PM **PIERRE TRUDEAU** patriated the Constitution in 1982.
8. The rights contained in the Charter of Rights and freedoms are considered **ENTRENCHED** because they difficult to make changes. The part of the Constitution that makes it difficult to change it is called the **AMENDING FORMULA**.
9. This act 1st established British rule and law in Canada: **THE ROYAL PROCLAMATION**.
10. The **CANADA ACT** officially ended British influence over Canada.

Using the **Categories of the Charter of Rights and Freedoms**, complete the following chart:

|  |  |
| --- | --- |
| **Charter Section** | **Examples of what they guarantee for Canadian Citizens** |
| Fundamental Freedoms | * **Freedom to think and believe whatever you want** * **freedom of belief and expression** * **freedom of association** * **freedom of religion and speech** |
| Democratic Rights | * **right to vote** * **run for office** * **a federal election every 5 years,** * **a sitting of Parliament at least once every yea** |
| Mobility Rights | * **right to live and seek employment anywhere in Canada** * **rights to leave and enter Canada** |
| Legal Rights | **a person accused of crimes has the right to:**   * **life, liberty, security of person, and a fair trial** * **Persons are innocent until proven guilty** * **may not be subjected to cruel and unusual treatment** |
| Equality Rights | **freedom from discrimination based on:**   * **race** * **ethnic origin** * **religion** * **gender** * **age** * **mental or physical disability.** |
| Language Rights | * **English and French as the official languages of Canada** * **right to an education in either language or each province to decide whether to provide education in a minority language** |

Based on the **Categories of the Charter of Rights and Freedoms**, name the right or freedom that comes into play in each of these situations:

1. The Jones family is moving this summer from Halifax, US, to Vancouver, BC, where Mr. Jones has been offered a teaching job**. MOBILITY RIGHTS**
2. Emma Smits, a Toronto resident, is just entering the tenth grade at a French immersion school in the city. **LANGAUGE RIGHTS**
3. John Gordon is arrested for writing fraudulent cheques, but is allowed one immediate phone call. **LEGAL RIGHTS**
4. An article appears in the local newspaper describing one man's disapproval of a pub that might be built in his neighbourhood. **FUNDAMENTAL FREEDOM**
5. Adam Courtney calls a gathering of people from his neighbourhood in the Community Hall, where they will discuss a proposal by Wal-Mart to build a new store in the area. **FUNDAMENTAL FREEDOM**

Use the **Categories of the Charter of Rights and Freedoms** to determine which right or freedom has been violated.

1. Tim was sentenced to 20 years in prison without a trial. **LEGAL RIGHTS: life, liberty, security of person, and a fair trial**
2. Fred was arrested for being a member of the Catholic Church. **FUNDAMENTAL:**

**freedom of belief and expression**

**freedom of association**

**freedom of religion and speech**

1. A group of teens hanging out in a park are told that they have to leave**. FUNDAMENTAL:**

**freedom of association**

1. Joe was not given a promotion because his employer knew he was homosexual. **FUNDAMENTAL: freedom of belief and expression**

**EQUALITY: freedom from discrimination based on sexual orientation**

1. Sally and most of her friends speak French, but the school board refuses to open a French school. **LANGAUGE: right to an education in either language**
2. Karl is not allowed to vote in the provincial election because he lives on a farm**. Democratic: right to vote**
3. Phillip was tasered in prison by the guards because he laughed. **Legal: a person accused of crimes has the right to life, liberty, security of person, and a fair trial; may not be subjected to cruel and unusual treatment**
4. Julie was not allowed in the store because of her skin colour. **EQUALITY: freedom from discrimination based on ethnic origin**
5. May cannot find anyone to speak to her in French at the government help line**. LANGAUGE: English and French as the official languages of Canada**
6. Lisa was arrested and taken to prison but she is not sure why. **LEGAL: a person accused of crimes has the right to:** 
   * **life, liberty, security of person, and a fair trial**
   * **Persons are innocent until proven guilty**
   * **may not be subjected to cruel and unusual treatment**
7. Peter was not allowed in the restaurant because they thought his wheelchair would be in the way. **EQUALITY; freedom from discrimination based on mental or physical disability**.
8. Ellen, a Canadian citizen, lived in China for 2 years and was not allowed back into the country when she tried to return. **MOBILITY: rights to leave and enter Canada**
9. Jeff was arrested for wearing a T-shirt that said: "F\*\*k the Police" **FUNDAMENTAL: Freedom to think and believe whatever you want; freedom of belief and expression**
10. Mohammed was arrested because he looked suspicious. **EQUALITY: freedom from discrimination based on ethnic origin**

**Notwithstanding Clause + The Amending Formula**

Read p. 199-200 and p. 300 to find the info to answer the following questions:

1. What part of the Constitution was most important to Trudeau? (p. 199)

**THE CHARTER OF RIGHTS AND FREEDOMS**

1. What concerns did the provinces have about the Charter of Rights? (p. 200)

**THEY FELT THE CHARTER WOULD MAKE THE COURST MORE POWERFUL THAN THEIR LEGISLATURES**

1. Outline what the Amending Formula states is needed to change the Constitution. (p. 200)

**CHANGES TO THE CONSTITUITION COULD ONLY BE MADE WITH AGREEMENT OF “7 OUT OF 10 PROVINCES REPRESENTING 50% OF THE CANADIAN POPULATION”**

1. The provinces accepted the Charter if the Notwithstanding Clause was added. What did this clause allow? (p. 300)

**PROVINCIAL GOVERNMENTS TO PASS A LAW, EVEN IF THAT LAW VIOLATES A SPECIFIC FREEDOM OR RIGHT GUARANTEED IN THE CHARTER; EXPIRES IN 5 YEARS AFTER IT IS INVOKED, BUT MAY BE RENWED**

1. Outline both sides in the debate about the Notwithstanding Clause. (p. 300)

**SUPPORTERS—PROVINCIAL POLITICIANS BELIEVED THE CHARTER WOULD WEAKEN THEIR POWER AS ELECTED LAWMAKERS**

**CRITICS—IT WEAKENS THE CHARTER**