Victoria Charter

The ‘Victoria Charter’ refers to a package of changes to the Canadian Constitution that was debated by Prime Minister Trudeau and the provincial Premiers in Victoria in June 1971. The Victoria Charter's key elements touched the following subjects: fundamental freedoms and political rights, language rights, the composition and appointment of the Supreme Court of Canada, income security, and a constitutional amending formula. The ‘Victoria Charter’ also would have abolished the federal powers to reserve and disallow provincial legislation (see reservation and disallowance), committed governments to the reduction of social and economic disparities between the provinces, and formalized annual conferences of the Prime Minister and the Premiers.

Quebec Premier Robert Bourassa, facing strong opposition from both separatist and federalist quarters in Quebec, announced that Quebec could not accept the terms of the ‘Victoria Charter’. Specifically, he claimed that the terms of the income security measures (covering pensions and family/youth/occupational training allowances) were too uncertain for Quebec's tastes. The federal government and the other nine provinces declined to pursue these changes in light of Quebec's rejection of the package.

Comparing the ‘Victoria Charter’ to the *Constitution Act, 1982* is particularly interesting. This comparison reveals several important differences in the process and substance of efforts to change the Constitution. The most significant procedural difference is that Quebec's rejection of a constitutional package, sufficient to stop constitutional change in 1971, did not prevent the patriation of the Constitution in 1982. Substantively, the amending formula found in the ‘Victoria Charter’ was very different from the one adopted in 1982. The ‘Victoria Charter’ prescribed that amendments needed the support of Ottawa and a majority of the provinces. But, the provincial majority had to include Ontario, Quebec, at least two of the Atlantic Provinces, and at least two of the Western provinces that had at least fifty percent of the region's population. By receiving veto power, Ontario and Quebec were treated differently than the other provinces. The current amending formula bows in the direction of provincial equality since no province is given the power to veto constitutional change. Another difference is that the 1982 Constitution requires that amendments to a number of subjects require the unanimous consent of the federal and provincial governments. Also, the rights guarantees found in the Canadian *Charter of Rights and Freedoms* are considerably more extensive and expansive than those contained in the ‘Victoria Charter’.

Sources:

- K. McRoberts, *Quebec: Social and Political Crisis* (Toronto: McClelland & Stewart, 1988).
- P.H. Russell, *Constitutional Odyssey: Can Canadians Become a Sovereign People?* (Toronto: University of Toronto Press, 1992).