

EXPLANATORY NOTES
BILL No. 611

The Constitutional Questions (Notwithstanding Clause Referral) Amendment Act

**Clause
of Bill**

- 1** Short title.
- 2** Amending language.
- 3** **New section 2.1**

Explanation

- New section establishes an obligation to refer to the Court of Appeal any legislation that contains a declaration pursuant to section 33 of the *Canadian Charter of Rights and Freedoms* stating that a provision of the Act operates notwithstanding a provision of the *Charter*
 - Subsection (2): referral to be made within 90 days of any such Act coming into force
 - Subsection (3): referral shall seek the opinion of the Court on whether the provision containing the notwithstanding clause violates sections 2 or 7 to 15 of the *Charter* and if so, whether the provision is reasonable and demonstrably justified pursuant to section 1 of the *Charter*.
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- 4** Coming into force.