

## Introduction

The Maverick Party was launched in June 2020 to give Western Canadians an alternate voting option, one that would address the decades-long impediments to growth and prosperity in the West, many of which can be traced directly to the Constitution of Canada.

Recognizing that many Western Canadians are not ready to abandon their ties to Canada, the Maverick Party has created "**The Western Solution**" that is incorporated into our **Mission Statement: To achieve autonomy for western Canadians through (a) eliminating federal overreach and (b) Total focus on Western priorities.**

After months of consultation with legal professionals and constitutional experts, the Maverick Party has published the Constitutional Changes. We will be asking for these changes of the federal government as part of our "Equality for the West and North" approach. **This will be done by working with our provinces and territories to strengthen their Provincial and Territorial rights.**

### #1 MARKET ACCESS Amendment

**Intent of this Amendment: To provide greater clarity to all provinces, the federal government, and the judiciary that a province has the right to bring its natural resources to market for the benefit of the province and its residents.**

This amendment will combine Section 92A(1)(a)-(b) of the *Constitution Act, 1867* and rename Section 92A(1)(c) to Section 92A(1)(b). It will require the use of Section 38 of the *Constitution Act, 1982* (**the 7/50 procedure**).

#### **Current Constitutional Text | *Constitution Act, 1867***

**92A.** (1) In each province, the legislature may exclusively make laws in relation to

- a. exploration for non-renewable natural resources in 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.

### **Amended Constitutional Text | *Constitution Act, 1867***

**92A.** (1) In each province, the legislature may exclusively make laws in relation to

- a. exploration and global market access for, and 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
- b. development, conservation and management of sites and facilities in the province for the generation and production of electrical energy.

### **#2 PROVINCIAL RIGHTS Amendment**

**Intent of this Amendment: To guard against arbitrary intrusion by Ottawa into areas of provincial jurisdiction or interests without prior consent.**

This amendment will be inserted as a new Section 91A in the *Constitution Act, 1867*. It will require the use of Section 38 of the *Constitution Act, 1982* **(the 7/50 procedure)**.

“Neither Parliament nor the federal government shall take any action in any area of provincial jurisdiction or joint federal-provincial jurisdiction, or affecting any provincial interest(s), without first securing the consent of the concerned province(s).”

### **#3 PROPERTY RIGHTS Amendment**

**Intent of this Amendment: To include the right to own property alongside the other fundamental individual rights protected by the *Canadian Charter of Rights and Freedoms*.**

This amendment will rewrite Section 7 of the *Canadian Charter of Rights and Freedoms*. It will require the use of Section 38 of the *Constitution Act, 1982* **(the 7/50 procedure)**.

**Current Constitutional Text | *Canadian Charter of Rights and Freedoms***

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

**Amended Constitutional Text | *Canadian Charter of Rights and Freedoms***

Everyone has the right to life, liberty, property and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

**#4 PROVINCIAL SELF-GOVERNANCE Amendment**

**Intent of this Amendment: To ensure that no federal government seeks to revive the now-obsolete power of disallowance or reservation of provincial legislation.**

This amendment will repeal the federal powers of disallowance and reservation. These powers currently appear in Section 90 of the *Constitution Act, 1867*. This amendment will require the use of Section 41 **(the unanimity procedure)**.

**Current Constitutional Text | *Constitution Act, 1867***

**90.** The following Provisions of this Act respecting the Parliament of Canada, namely, — the Provisions relating to Appropriation and Tax Bills, the Recommendation of Money Votes, the Assent to Bills, the Disallowance of Acts, and the Signification of Pleasure on Bills reserved, — shall extend and apply to the Legislatures of the several Provinces as if those Provisions were here re-enacted and made applicable in Terms to the respective Provinces and the Legislatures thereof, with the Substitution of the Lieutenant Governor of the Province for the Governor General, of the Governor General for the Queen

and for a Secretary of State, of One Year for Two Years, and of the Province for Canada.

### **Amended Constitutional Text | *Constitution Act, 1867***

**90.** The following Provisions of this Act respecting the Parliament of Canada, namely, — the Provisions relating to Appropriation and Tax Bills, the Recommendation of Money Votes, and the Assent to Bills, ~~the Disallowance of Acts, and the Signification of Pleasure on Bills reserved,~~ — shall extend and apply to the Legislatures of the several Provinces as if those Provisions were here re- enacted and made applicable in Terms to the respective Provinces and the Legislatures thereof, with the Substitution of the Lieutenant Governor of the Province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of One Year for Two Years, and of the Province for Canada.

### **#5 FAIR REPRESENTATION Amendment**

**Intent of this Amendment:** To improve democracy in Canada and to invite greater citizen input into Canadian self-government. This amendment would replace the appointed, unequal, ineffective and archaic upper chamber with a Triple-E Senate. It would simultaneously modernize the House of Commons by removing the constitutional requirement that no province shall have fewer members in the House of Commons than it has Senators. This parliamentary reform would ensure greater adherence to the principle of representation-by-population in the House of Commons (discounting the Territories) and curb the ever-growing number of Members of Parliament.

This amendment will entail transformative changes to the Constitution. If it is presented as an omnibus package of amendments, this Fair Representation Amendment will require the use of Section 41 (***the unanimity procedure***). The Maverick Party presents this proposed constitutional amendment in broad principles rather than in precise detail because this amendment will require rewriting and reorganizing many parts of the Constitution.

## **The Principle of Fair Representation**

The Senate shall be equal, elected, and effective. Provincial representation in the House of Commons shall be proportionate according to population.

The Maverick Party believes we have reached a crossroads at which Western Provinces and Territories need to protect themselves from the domineering decisions made by the Federal Government that disregard the values of Western and Northern Canadians.

Maverick is the only federal party which will continue to demand that the Canadian Constitution be amended to ensure that western Canadians and western provinces and territories are equal partners within our federation.

### **Media Inquiries:**

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