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No. 14

Tuesday, December 16, 1997.

1 o'clock p.m.

Prayers.

New Brunswick National Unity Consultation Committee

Hon. Mrs. Kingston, from the New Brunswick National Unity Consultation Committee, presented the Final Report of the Committee which was read and is as follows:

December 16, 1997

To The Honourable
The Legislative Assembly of
The Province of New Brunswick

Mr. Speaker:

We have the pleasure to present herewith the Final Report of the New Brunswick National Unity Consultation Committee.

Your Committee was appointed by resolution of the House adopted November 26, 1997 to seek the views of New Brunswickers with respect to the Framework for Discussion on Canadian Unity agreed to by nine Premiers and two territorial leaders at a meeting held on September 14, 1997 in Calgary to form the basis of public consultations with Canadians on strengthening the Canadian federation.

Your Committee held three days of public hearings and accepted written submissions from the public through mail, fax and electronic mail, and established a special web site and toll-free number to assist the public in communicating its views.

The Committee would like to thank all the individuals and organizations that appeared at the public hearings or submitted written briefs. The Committee would also like to thank those individuals who communicated their views by e-mail or the toll-free line.

Your Committee expresses appreciation to the staff of the Legislative Assembly and officials of the Department of Intergovernmental Affairs for their assistance and support to the Committee.

As co-chairs, we would like to express our appreciation to the members of the Committee for their contribution in carrying out the Committee's mandate.

Respectfully submitted,

Hon. Joan Kingston
Bernard Valcourt, P.C.
Co-chair

Hon.
Co-chair

The full report of the Committee as presented follows:

**FINAL REPORT
NEW BRUNSWICK
NATIONAL UNITY CONSULTATION COMMITTEE**

I - INTRODUCTION

On September 14, 1997, nine Premiers and two Territorial Leaders agreed to consult Canadians on national unity. To facilitate discussions, a framework was established by Premiers and territorial Leaders which was intended to capture fundamental values of the Canadian federation. All jurisdictions in Canada, with the exception of the province of Québec, have engaged in consultations with their constituents about these fundamental values. In New Brunswick a special Committee of the Legislature

was tasked with seeking the views of New Brunswickers on the framework. This framework is not a constitutional proposal, rather it is intended to provide Canadians with a common basis for a discussion of the issues which unite them as a country. The work of the New Brunswick National Unity Consultation Committee focused on determining New Brunswickers' view of the Canadian federation using the principles contained in this framework. This report sets out the results of this work.

Developments leading to the 1997 consultations on national unity

Constitutional Historical Context - From the Constitution Act 1982 to the Calgary Declaration

Canadians have a long history of exploring and debating what it means to be Canadian and what types of institutions and arrangements best express their vision. This history predates the most recent discussions of the Meech Lake and Charlottetown Accords. In 1963 Prime Minister Lester B. Pearson established a Royal Commission on Bilingualism and Biculturalism which examined the partnerships existing in the federation and how they could be improved. However, after the patriation of the Constitution in 1982, the debate increased in intensity.

The Constitution Act 1982 was adopted by all provincial legislatures with the exception of the Québec National Assembly. Many political leaders in Québec deemed the Act to be inconsistent with the needs of Québec. Since then, the Canadian people have struggled with the question of what Québec wants, and how the Canadian federation could be structured in a manner satisfactory to all of its members. Since the adoption of the *Constitution Act 1982*, Canadians have participated in two rounds of Constitutional discussions on two proposed accords.

The first proposal was the Meech Lake Accord which emanated in response to the identification by Québec's then Minister responsible for Canadian Intergovernmental Affairs, Gil Rémillard, of five elements required to achieve constitutional reconciliation with Québec:

- explicit recognition of Québec as a distinct society;
- guarantee of increased powers in matters of immigration;
- limitation to the federal spending power;
- recognition of a right to veto;
- participation in appointing judges to the Supreme Court of Canada.

Following this pronouncement by Québec, First Ministers, at their annual meeting in Edmonton agreed to give these proposals top priority in a new round of constitutional discussions. They also agreed that additional constitutional concerns of other provinces could be addressed in a second round of talks to be concluded once Québec's full participation in the Canadian federation was achieved. Thus began the Québec Round of Constitutional Discussions. The resulting Meech Lake Accord was designed to fulfil the five constitutional objectives of Québec. In addition, the Accord incorporated additional elements to satisfy the immediate concerns of other provinces. This Accord was concluded by First Ministers in April 1987, and was adopted by the Québec National Assembly on June 23, 1987. The Accord required ratification by all provincial legislatures to take effect. It expired June 23, 1990 when the Legislatures of Manitoba and Newfoundland failed to ratify the Accord.

Following the demise of the Meech Lake Accord, the Charlottetown process was initiated. This round sought to be more comprehensive and to address the shortcomings of the Meech Lake Accord by expanding the subjects dealt with and secondly, by engaging in widespread consultations to canvass Canadians for their views on the Constitution. Based on its more comprehensive approach, this process leading to the Charlottetown Accord was known as the Canada Round of constitutional reform.

One of the distinctive features of the Charlottetown Accord was the recommendation for the inclusion of a Canada Clause to the Constitution. This clause was an attempt to describe the fundamental values of Canadian society. Two simultaneous referenda were held on the accord; one in Québec and one in the rest of the country. The Accord was rejected by the majority of Canadians, both inside and outside of Québec.

In New Brunswick, during the rounds of negotiations surrounding both these proposals, the province held extensive consultations with New Brunswickers on the issues at stake. In the case of the Meech Lake process, this consultation resulted in the introduction of a resolution in the Legislature known as the Companion Resolution. This resolution called for improvements to the 1987 Constitutional Accord which had been identified through the course of public consultations, and included a clause for the entrenchment of the equality of the English and French linguistic communities of the province. This resolution was adopted by the Legislative Assembly of New Brunswick in June, 1990. In 1992, following the rejection of the Charlottetown Accord, the government reintroduced a resolution for the entrenchment of the equality of the two linguistic communities of the province.

On December 4, 1992, the Legislative Assembly of New Brunswick adopted a resolution calling for an amendment to the *Constitution of Canada*, which would enshrine the principle of equality of the English and French linguistic communities of the province. During the winter of 1993, the necessary resolutions were adopted in the Senate and the House of Commons. On March 12, 1993 the Governor General

issued the *Constitution Amendment Proclamation, 1993 (New Brunswick Act)*, giving constitutional recognition to the equality of the two linguistic communities of New Brunswick by amending section 16 of the *Charter of Rights and Freedoms*. The *Constitution Amendment Proclamation, 1993 (New Brunswick Act)* also includes a provision for the New Brunswick legislature and government to "preserve and promote the status, rights and privileges" of the two linguistic communities. New Brunswickers have had many opportunities to participate in the constitutional debate and their input is a matter of public record which has led to meaningful constitutional change.

Since the rejection of the Charlottetown Accord, discussions on national unity have continued to be a matter of national interest, though the intensity of the debate has fluctuated from time to time. On the eve of the 1995 referendum in Québec, there was an immediacy to the issues perhaps never felt before; then Premier Jacques Parizeau had asserted that a "Yes" vote would lead to immediate measures to separate. The win of the "No" side by such a small majority made people on all sides of the debate realize that the breakup of the country was a very real possibility; it sent a clear message that many people in Québec remain unsatisfied with the current state of the federation and their participation in it.

An aspect of the discussion which has become predominant of late is the potential of non-constitutional measures, such as political agreements and rebalancing initiatives, to help achieve a federation which can work for all its members. Such debate does not negate the constitutional element, but exemplifies how dialogue can lead to new options and approaches to strengthening the federation.

Today many Canadians wonder whether it is useful to continue to talk about national unity. This issue is raised in various ways by politicians, academics and Canadians of all walks of life. There is an element of fatigue in this ongoing debate; however, once engaged, the Canadian interest in this issue is evident. This was witnessed by the Committee in the thoughtfulness of the presentations which it received. The subject of "should we keep talking" was the topic of the 1996 Pluralt Conference hosted by the Constitutional Forum at the University of Alberta. Although speakers at the conference held varying opinions as to who should be speaking, how often, and on what terms, all agreed that continuing to be engaged on the issues is the best alternative. All also agreed that for this engagement to be constructive, a common frame of reference for the discussions is required.

On September 14, 1997 nine Premiers and two territorial Leaders agreed that discussions should continue on the issue of national unity and together, they endeavoured to construct a framework to serve as a basis for the discussions.

II - THE CALGARY FRAMEWORK

At the 1997 Annual Premiers' Conference held in St. Andrews, New Brunswick, Premiers and Territorial Leaders agreed that national unity was a priority issue which must be dealt with. Although not part of the formal business agenda of their meeting, Premiers and Territorial Leaders recognized that national unity issues flavour the discussion of many of the business items such as rebalancing of the federation, social policy renewal and economic development. All Premiers and territorial leaders, with the exception of the Premier of Québec agreed to participate in a meeting later in the fall to deal solely with national unity. They also agreed that their discussion on unity would not be a discussion about constitutional change.

The meeting of the nine Premiers and the two territorial Leaders was held September 14, 1997 in Calgary, Alberta. In Calgary, Premiers agreed that open and grassroots public consultations on strengthening the Canadian federation should be entered into with Canadians. In order to facilitate this consultation and ensure comparability of the discussions, Premiers and territorial Leaders established a framework for the discussions. This framework is a statement of seven principles which are an attempt to describe fundamental values which underlie the Canadian federation. By framing these principles Premiers and territorial Leaders sought to foster a discussion among Canadian people of their view of the fundamental values of Canada. The framework was not intended to be exhaustive, but rather to be a starting point for dialogue. This framework is not the beginning of a constitutional process; indeed many of its elements are already enshrined in the Constitution.

FRAMEWORK FOR DISCUSSION ON CANADIAN UNITY

1. All Canadians are equal and have rights protected by law.
2. All provinces while diverse in their characteristics, have equality of status.
3. Canada is graced by a diversity, tolerance and compassion and an equality of opportunity that is without rival in the world.
4. Canada's gift of diversity includes Aboriginal peoples and cultures, the vitality of the English and French languages and a multicultural citizenry drawn from all parts of the world.
5. In Canada's federal system, where respect for diversity and equality underlies unity, the unique character of Québec society, including its French speaking majority, its culture and its tradition of civil

law, is fundamental to the well being of Canada. Consequently, the legislature and Government of Québec have a role to protect and develop the unique character of Québec society within Canada.

6. If any future constitutional amendment confers powers on one province, those powers must be available to all provinces.

7. Canada is a federal system where federal, provincial and territorial governments work in partnership while respecting each other's jurisdictions. Canadians want their governments to work cooperatively and with flexibility to ensure the efficiency and effectiveness of the federation. Canadians want their governments to work together particularly in the delivery of their social programs. Provinces and territories renew their commitment to work in partnership with the Government of Canada to best serve the needs of Canadians.

The nine Premiers and two territorial Leaders undertook to hold consultations in each of their respective jurisdictions with the above framework as a basis. In New Brunswick, a consultative process was announced on September 26, 1997.

III - THE NEW BRUNSWICK PROCESS

On September 26, 1997 the three political parties represented in the Legislative Assembly of New Brunswick reached agreement on a joint process to consult New Brunswickers on National Unity. This process was overseen by a Special Committee of the Legislative Assembly. An organizational meeting of the Committee was held on October 1, 1997. Hon. Joan Kingston and Hon. Bernard Valcourt were elected to co-chair the Committee. Subsequent meetings were held on October 8, and October 15, 1997 to review the Committee's mandate and to establish an agenda. This tri-partite Committee, the New Brunswick National Unity Consultation Committee, sought the opinions of New Brunswickers on the issue of national unity. The process of consultation focused on the Framework for Discussion established by nine Premiers and the two territorial Leaders in Calgary on September 14, 1997.

Method of Consultation

The Committee held public hearings on October 29, November 6, and November 7, 1997. The Committee heard twenty-two presentations, a list of which is appended hereto as Appendix A. In addition, a special web site provided a comment form for public input, and a toll-free telephone line allowed callers to leave their comments. Advertisements were placed in all provincial newspapers giving notice of the public hearings and inviting New Brunswickers to submit their views and advising of the various methods of participation.

In addition, each member of the Legislative Assembly was provided information on the consultative process and the Calgary Declaration, so that they might engage in discussion with their constituents. Information on the process was provided to each of the high schools in the province, and students were invited to submit their views on national unity.

The Committee met on November 13, and 19, and December 4, 11, and 12, 1997 to review and deliberate on the input received from participants.

Results of Consultation

Those who participated in the process provided thoughtful and thought-provoking comments on the framework for discussion and on additional issues of importance in terms of national unity.

The majority of those who commented on the *Framework for Discussions on National Unity* were generally supportive of the language and the intent of the seven principles. Each of the seven principles when considered individually were supported as well by the majority of those who addressed them. It should be noted that a number of the participants would like to see this framework go further still, and they identified areas which might be addressed in future discussions. However, the majority of those who participated in the consultative process were supportive of the seven principles contained in the framework for discussion, as reflective of basic Canadian values.

IV - COMMITTEE'S OBSERVATIONS

The Committee wishes to highlight the unique perspective which New Brunswick brings to the debate concerning national unity, and which is of relevance in the current exercise. New Brunswick's own legislative and constitutional history is one which goes back to the very creation of this country, and in some respects the province is a microcosm of the linguistic and cultural partnerships which exist in the country and which, as a nation, we are seeking to preserve.

New Brunswick is a province which values and respects the rich diversity of its citizenry. It has through legislation recognized the partnership of its French and English linguistic and cultural communities, and seen to it that the protection and promotion of these communities in New Brunswick is guaranteed under the Canadian *Charter of Rights and Freedoms*.² New Brunswick has also supported through resolution certain constitutional amendments pertaining to Aboriginal peoples.³ New Brunswick also

has a unique understanding of Québec, as its neighbour province and as a partner in Confederation. New Brunswick's unique history and its common bond and long-standing association with the province of Quebec gives New Brunswick citizens a unique perspective on the issues surrounding national unity.

THE CALGARY FRAMEWORK

PRINCIPLE 1 - All Canadians are equal and have rights protected by law

Participant responses

The majority of New Brunswickers who participated in the consultative process were supportive of this principle. Questions were raised by certain participants as to whether the goal of equality is achievable given our current political and social structures: can two people of different financial means truly be equal, for example. Many participants pointed to the fact that a distinction must be made between equality and homogeneity; equality must not be interpreted as meaning that we are all the same, but rather as meaning that we must have equality of opportunity. Overall the views expressed by most participants were that the principle of individual equality is fundamental to Canadian society, but we must also ensure that our political and social arrangements respect that principle.

Committee comments

This statement is an affirmation of the protections provided by the current legal framework of this country. Section 15 of the *Charter of Rights and Freedoms*, sets out equality rights for all Canadians. This is a fundamental value of Canadian society enshrined in our constitution, through the Charter. In the Committee's discussion with presenters, questions were raised as to the accuracy in practice of an assertion that all Canadians are equal. It is the conviction of the Committee that a democratic society which guarantees equality before the law, must also recognize the diversity of its citizens. To say that all Canadians are equal is not to say that all Canadians are the same, but rather to affirm the equality before the law which is guaranteed in the Constitution. The Committee agrees that this principle of individual equality is fundamental to Canadian society.

PRINCIPLE 2 - All provinces, while diverse in their characteristics, have equality of status.

Participant responses

The primary issue which New Brunswickers addressed with respect to this principle was also the definition of equality. The majority of participants recognized the equality of status of provinces. Just as with individuals there was a view expressed that equality of provinces should not be interpreted as meaning same treatment. The concern identified is that the identical treatment of all provinces could cause inequalities for one or some of them, given their particular circumstances.

Committee comments

The federal principle on which Canada is based relies on the premise of provincial equality. The *British North America Act of 1867* conferred equal grants of legislative authority on the original four confederating provinces. As new provinces entered Confederation, their legislatures were endowed with legislative authority equivalent to that enjoyed by provinces already in the federation.

This legislative equality is what is expressed by this second principle. However, while all provinces are equal in status under the Constitution, they are not constitutionally the same in all respects. For example educational rights, such as rights for denominational schools apply differently across the country. Just as is the case for individuals, we see that this fundamental equality of provinces does not mean that they are homogeneous. The authority which each province holds, as a result of the federal system, allows each to look after their particular circumstances, be they cultural, demographic or resource based.

The Committee recognizes that there may be from time to time minor differences in the legislative authority of provinces but supports the fundamental equality of provinces expressed in this principle. The Committee also agrees with New Brunswickers that, as with individuals, this equality does not mean sameness. Each province has its own particular circumstances and the committee supports the notion that the federation must be flexible enough to ensure that the needs of each jurisdiction are met.

PRINCIPLE 3 - Canada is graced by a diversity, tolerance, compassion and an equality of opportunity that is without rival in the world.

Participant responses

The majority of participants agreed that the attributes of diversity, tolerance and compassion are true and accurate characterizations of the nature of Canada. There were also reminders however, that we must strive to ensure that these attributes are preserved and that we promote these features among Canadians and outside our borders. Many of those who contributed to the process also noted that equality of opportunity is an important feature of our federation upon which we must strive to improve.

A number of participants cited access to post-secondary education as one example of a feature needing improvement. Many felt that this and a number of other features of our social system, if left unaddressed, may become obstacles to participants having true equality of opportunity in this country.

Committee comments

The Committee noted that this principle received the highest support from those who addressed it. If there is one fundamental characteristic of Canadian society which has been heralded as being important, it is the embracing by Canadians of people of all cultural and ethnic backgrounds. This respect and tolerance by Canadians for others is known worldwide.

The cultural mosaic which is Canada is based on mutual respect for individual differences.

The Committee noted the concern expressed by some participants with the notion of equality of opportunity. The concern is not one of disagreement with this goal, but rather whether the current institutions are truly structured in the most effective manner to provide this equality of opportunity. The *Charter of Rights and Freedoms* protects the individual rights of all Canadians, and as such, guards against discrimination from employment and other opportunities. In this sense our tolerance of diversity does contribute to greater equality of opportunity in this country. The Committee agreed, however that governments must continue to work cooperatively in strengthening the economic and social union.

PRINCIPLE 4 - Canada's gift of diversity includes Aboriginal peoples and cultures, the vitality of the English and French languages and a multicultural citizenry drawn from all parts of the world.

Participant responses

Although the majority of participants who addressed this issue agreed with the stated principle, concern was evident over how we, as Canadians, achieve a national identity within this context of the pluralist model proposed. The *Société des Acadiens et Acadiennes du Nouveau-Brunswick* expressed concern in terms of the specific language of this statement. The concern expressed is that the language here may not be sufficient to protect linguistic minorities.

A concern was also expressed that this was the only mention of Aboriginal Peoples in the framework and that the reference may not be sufficient to address the role of the Aboriginal Peoples within Canadian society. The New Brunswick Aboriginal Peoples Council expressed displeasure with the choice of the word "gift" in reference to their people and culture; such language, in their view, connotes an interpretation that their culture is less than inherent to Canadian society and may be disposed of or dismissed. This concern was echoed by National Aboriginal Leaders when they met with Premiers and territorial Leaders on November 18, 1997.

Committee comments

This statement defines the richness of the diversity referred to in the third principle. It recognizes the first inhabitants of this land, the two colonizing heritages whose partnership founded the country called Canada, as well as the citizens from many cultures who have come and continue to come to live here. This statement recognizes the partnership which is inherent among these diverse cultures to make our federation work. Here it is noteworthy to remember that we are not speaking of constitutional language. This is a statement of principle which recognizes the cultural make-up of our country, and does not attempt to ascribe roles to each of these cultures. The Committee recognizes that the protection of minority language rights, is an important issue. These rights are currently guaranteed under the Canadian *Charter of Rights and Freedoms*. Section 16 of the Charter affirms the rights of the two linguistic communities in Canada, in New Brunswick in particular.

New Brunswick has been a firm supporter of the protection of minority rights as witnessed by its own political and legislative history. This support must be upheld in any future constitutional discussions that arise.

The Committee acknowledges the concern raised by the New Brunswick Aboriginal Peoples Council regarding the use of the word "gift" in the language of this principle. The Committee notes that the French version of this principle speaks of a "rich diversity" as opposed to a "gift" of diversity. The Committee favours the former language, and would support a change in the language of this principle.

PRINCIPLE 5 - In Canada's federal system, where respect for diversity and equality underlies unity, the unique character of Québec society, including its French speaking majority, its culture and its tradition of civil law, is fundamental to the well-being of Canada. Consequently, the legislature and Government of Québec have a role to protect and develop the unique character of Québec society within Canada.

Participant response

This principle was the focus of attention for many who participated in the consultative process. Much of the discussion of this issue focused on the question "What does Québec want?" and whether this language would be amenable to the people of Québec. Concerns were expressed about the specific mechanisms which might be used to ensure that the government of Québec was able to promote and protect the unique character of Québec society, and their impact on Québec minorities. There was a real concern echoed among many New Brunswick participants that the desires of the people of Québec be heard and recognized. There was general recognition for the special attributes of Québec society and the majority agreed that the characterization of that society as unique is appropriate.

Concerns were also expressed that characterization of one province as unique could be seen as being inconsistent with the principle of equality of status of all provinces. However, the majority of presenters agreed that the unique character of Québec's society should be recognized and is not inconsistent with the principle of equality of the provinces. Many pointed out that principles 6 and 7 serve to further strengthen the principle of equality. These principles reflect a view of a federal government which is flexible enough to deal with each province in accordance with its particular circumstances.

Committee comments

The Committee recognizes the fundamental importance of this fifth principle in terms of progress toward national unity. The presence of Québec in Canada is a fundamental characteristic of this country. The partnership between French and English was forged by Macdonald and Cartier and is at the root of the development of this country. It is not a small detail but a matter of historical fact of momentous significance. This fifth principle is an expression of that significance, and while not diminishing the importance of all of Canada's cultures, it does seek to give precision to the fact that Québec is a lone French majority province in a country which is of English majority - this fact has linguistic, cultural and heritage implications for that province which certainly are unique to it.

This characterization of Québec as unique is not, in the view of the Committee, at odds with the interpretation of the principles of equality as addressed in earlier principles. Rather it is consistent with the opinions expressed by New Brunswickers that equality does not mean sameness nor homogeneity. The province of New Brunswick, based on previous consultations, has on three occasions endorsed in the Legislature recognition of the unique character of Québec. The equality of Canadian provinces and of individuals leaves room for the expression of its diversity. The federation must be flexible enough to allow each province to act in the interests of its citizenry. New Brunswick is an officially bilingual province and reflects its cultural and political reality, with the constitutional right to preserve and promote the rights of its French and English communities. The Committee recognizes that the characteristics of Québec society are a fundamental part of Canada, which is unique to Québec and, indeed, unique to all of Canada.

PRINCIPLE 6 - If any future constitutional amendment confers powers on one province, these powers must be available to all.

Participant responses

The majority of New Brunswick participants were supportive of this principle. Some participants expressed a concern for its implications in terms of regional differentiation. A number who participated expressed reservations regarding too much devolution of federal power and indicated a desire for a federal government which is strong enough to enforce national standards and flexible enough to address issues which are specific to a province or region.

Committee comments

This principle is intended to preserve the equality of provinces, previously expressed as a fundamental characteristic of the federation. There was a concern noted among New Brunswickers who participated in the process that this levelling up of powers might pose an obstacle to regional differentiation. The Committee recognizes the concern of New Brunswickers for a federal government which is strong enough to enforce national standards and flexible enough to do so through regionally differentiated programs if so required. It is important to note that the language in this principle refers to powers achieved through constitutional amendment. This language does not prevent rebalancing which may be achieved through political agreements. The Committee supports the concept of flexible federalism but also supports the fundamental equality of provinces, as stated in principle #2. The intent of this principle is to preserve the balance and equality that currently characterizes the legislative authority of the provinces.

PRINCIPLE 7 - Canada is a federal system where federal, provincial and territorial governments work in partnership while respecting each other's jurisdiction. Canadians want their governments to work cooperatively and with flexibility to ensure the efficiency and effectiveness of the federation. Canadians want their governments to work together particularly in the delivery of their social programs. Provinces and territories renew their commitment to work in partnership with the government of Canada to best serve the needs of Canadians.

Participant response

Those New Brunswickers who addressed this issue strongly supported the notion of more cooperative governments; it was even suggested that this might be extended to include municipal levels of government. Certainly there was support for this concept, and indication that much progress was required in order to make it a reality within the federal system. Many participants expressed a note of caution that this cooperation should not be construed to erode the federal power to enforce national standards and its flexibility to provide regionally differentiated programs.

Committee comments

New Brunswickers agree with the concept of more cooperative government at all levels which leads to a strengthened federation. The Committee agrees with the comments of New Brunswickers and supports the principle of cooperative federalism expressed through this statement.

The Committee recognizes the view expressed that cooperative government in its varying forms must not lead to the erosion of the federal ability to ensure national standards. The Committee supports the view that arrangements between levels of government must inherently be flexible enough to ensure that the needs of Canadians are best served.

Aboriginal Peoples

In New Brunswick's consultative process, the New Brunswick Aboriginal Peoples' Council, which represents off-reserve Aboriginals in New Brunswick, made a formal presentation to the Committee at one of the hearings. On November 18, 1997, Premiers and territorial Leaders met in Winnipeg, Manitoba with leaders of five National Aboriginal Groups: the Assembly of First Nations, Congress of Aboriginal Peoples, Métis National Council, the Inuit Tapirisat of Canada, and the Native Women's Association of Canada. The purpose of the meeting was to share information with National Aboriginal Leaders concerning the annual meeting of Premiers and territorial Leaders held in St. Andrew's in August of this year. However, given the events of the Calgary meeting, a part of the agenda in Winnipeg was also devoted to receiving the views of National Aboriginal Leaders on national unity and the Framework for Discussions in particular. As an outcome of this meeting, Premiers and Territorial Leaders agreed to forward these views to the ongoing consultative processes in their respective jurisdictions.

National Aboriginal Leaders presented a consensus statement outlining a framework for discussion of the relationships between federal, provincial and territorial governments and Aboriginal governments and peoples (see Appendix B). This framework affirms the right of Aboriginal self-government and seeks a partnership with provincial, territorial and federal governments in the rebalancing of Canadian federalism and in discussions of economic and social development. The framework also notes that the contents of the Calgary framework must not negate the uniqueness of the place of Aboriginal peoples in Canada.

Committee comments

The Committee reviewed the framework submitted by the five National Aboriginal Leaders at their November 18 meeting with Premiers and Territorial Leaders, and also considered the input received from the New Brunswick Aboriginal People's Council. Both identified shortcomings in the Calgary Declaration in terms of specifying the role of Aboriginal peoples in the federation.

The Committee agrees that Parliament and the Government of Canada have a special role to play in relation to Aboriginal people that is rooted in its history, the Constitution, and Aboriginal and treaty rights. Accordingly, it is important that measures designed to increase national unity not diminish the role and responsibilities of Parliament and the Government of Canada in relation to Aboriginal people.

The Committee notes that the provincial government also plays a role in the lives of Aboriginal people and accordingly it, too, needs to be cognizant of, and responsive to, Aboriginal concerns and issues. Accordingly, all levels of government and Aboriginal peoples should seek opportunities to work together to resolve issues and to further the economic and social development of Aboriginal people.

The Committee also notes the existence of Aboriginal and treaty rights as recognized in sections 25 and 35 of the *Constitution Act 1982*. Although there is not explicit mention of these rights in the Calgary framework, the Committee concurs with the view expressed by Aboriginal Leaders that nothing in the framework should be construed as derogating from these rights. The Committee also supports the participation of National Aboriginal Leaders in any future constitutional review process.

OTHER ISSUES

As a result of the discussion about the framework and the issues which it seeks to address, participants identified several additional matters having potential to contribute to national unity.

Communication

Participants identified a need for increased and better communication between the people of Québec and people in the rest of Canada. The kind of discourse which was referred to was not between politicians but between citizens. Though it was understood why the present government of Québec would not participate in the process of discussions on building a framework for national unity, there was concern expressed that it was a missed opportunity to hear from citizens of Québec on what their feelings on these issues are. Many participants identified a need for improved opportunities for exchanges between Canadians from different parts of the country to improve Canadians understanding of each other. The role of the media in terms of the messages being sent was also highlighted by several participants.

Public participation

Most participants expressed the view that the public must continue to be involved in any future processes aimed at promoting national unity. Some participants suggested the use of citizens forums aimed at arriving at solutions on issues affecting national unity and any changes to the federation.

Citizenship

Related to the notion of public participation is the notion of citizenship. The committee heard many presenters express the view that any attempt to increase the level of citizen participation must be coupled with assurances that we have an education system which prepares individuals for their responsibilities as citizens: this is to ensure that their participation will be productive. The need for improved opportunities for citizens to learn their history was identified by many participants in the consultative process. A national standard for the teaching of Canadian history in our school system was suggested by several participants. Also suggested was increased promotion of Canadian art, culture and heritage which would target not only youth but all Canadians. There was a common view expressed by many participants that if Canadians had a better sense of their history, then they would be better prepared to actively participate in discussions about the nature of the federation. The idea is not only to foster a sense of national pride, but to ensure that citizens have the knowledge necessary to fully participate in debate and in decisions about the nature of their society and its political, economic and social institutions.

Strengthening the federation

There was also a common view expressed that as a means of resolving national unity it is important for governments to continue to find mechanisms which improve the effectiveness of the federation. To some extent this comment grew out of the discussion of principles 6 and 7 of the framework, but went beyond those two principles in terms of identifying non-constitutional means to ensure that the needs of all Canadians are met. The improvement of our political arrangements and the improvement of cooperation between governments on matters of the social and economic union are, from the perspective of many New Brunswickers, a means of making progress on the national unity front. If all provinces, territories and citizens continue to work on structuring arrangements for the benefit of all, then the benefits and the usefulness of the federation are demonstrated.

Committee comments

The Committee notes the thoughtfulness and the breadth of the views expressed by participants regarding national unity.

Members note in particular the comments made with respect to citizenship. Citizenship is a valued aspect of Canadian society. It provides Canadians the opportunity to fully participate in the exercise of their rights as guaranteed under the constitution. A greater effort must be made to promote the value of Canadian citizenship and to increase awareness of the many benefits and privileges associated with being a Canadian. The Committee notes the concerns expressed by many participants in the consultative process, that in order to actively exercise their rights as citizens, Canadians must be given the tools to do so. These tools include a knowledge of Canadian history, of the political structures of the federation, and an understanding of their rights and responsibilities as citizens. It is the view of the committee that governments must work together to ensure that Canadians are provided with this knowledge through their education system, through the promotion of Canadian culture and heritage, and through opportunities for interprovincial exchange.

The Committee also recognizes the need expressed by participants for continued efforts by governments towards improving the political arrangements which shape the federation. Initiatives aimed at addressing the social and economic needs of Canadians, such as improvements in health care and decreasing levels of employment and youth unemployment are matters which are of priority for governments and for all Canadians. The Committee agrees that these and other non-constitutional initiatives must be addressed by governments and that they lead to a strengthening of the federation.

V - CONCLUSIONS

Through its deliberations and its consultations it is the conclusion of this Committee that the efforts to define the nature of the federation through a common framework for discussion must be supported.

The consequences of ignoring the issues relating to how Canadians define and govern themselves are too high. Promoting dialogue and building consensus among Canadians regarding their fundamental values increases their ability to meaningfully exchange on these issues and contributes to strengthening the federation.

It is also the conclusion of this Committee that the principles expressed in the *Framework for Discussions on National Unity* are valid expressions of fundamental values of Canadian society. As such, it is the view of the Committee that these principles should be endorsed by the Legislature so that the view of New Brunswick on these matters of national unity may be given public expression. The Committee recognizes that these principles are not exhaustive and that a number may require elaboration and still others may be added. The Committee acknowledges the role of Aboriginal peoples in Canadian society and recognizes the rights affirmed in sections 25 and 35 of the *Constitution Act 1982*.

The Committee further notes that the concept of the responsibilities associated with citizenship in this country needs to be further explored by governments. It is the belief of this Committee that efforts at strengthening Canadians' knowledge of their own history and of their roles and responsibilities as citizens will lead to a strengthening of the federation and help ensure its future.

The Committee further concludes that a renewed federation must be one which respects the principles of cooperative federalism. Such federalism is characterized by a partnership which allows each jurisdiction, including the federal government, the flexibility to exercise its powers in a manner which best serves Canadians.

VI - RECOMMENDATIONS

It is the recommendation of this Committee that a resolution be presented to the Legislative Assembly which gives public expression to the views of this province on matters related to the strengthening of the Canadian federation.

1 Should We Keep Talking?; Proceedings of the 1996 Pluralt Conference - Canada Prospects, Constitutional Forum. Ed. David Schneiderman, University of Alberta

2 The Constitution Amendment Proclamation, 1993 (*New Brunswick Act*) amended the Charter of Rights and Freedoms to include the equality of French and English linguistic communities in New Brunswick and provides for the preservation and promotion of the status, rights and privileges of those communities by the legislature and government of the province.

3 The Constitution Amendment Proclamation, 1983 contained several amendments including a commitment that before any further amendments to provisions of the Constitution dealing with Aboriginal people, Aboriginal leaders would be invited to participate in a constitutional conference with First Ministers to discuss the proposed change.

Ordered that the Report be received.

Point of Privilege

Pursuant to Standing Rule 10, Mr. Olmstead rose on a Point of Privilege to correct certain statements contained in a Saturday, December 13, 1997, newspaper article.

Documents Tabled

Hon. Mrs. Kingston laid upon the table of the House a document entitled *Clean Air Act* Information Kit.

Government Motions

Hon. Mr. Frenette gave Notice of Motion 73 that on Wednesday, December 17, 1997, he would move the following resolution, seconded by Mr. Robichaud:

WHEREAS on September 14, 1997, nine Premiers and two Territorial Leaders agreed to a Framework for Discussion of Canadian Unity, commonly known as the Calgary Declaration;

AND WHEREAS a Special Committee of the Legislative Assembly of New Brunswick has consulted with New Brunswickers and has found substantial support for the Framework;

AND WHEREAS the Framework in no way diminishes the rights presently enjoyed by Canadians;

AND WHEREAS an informed and historically literate citizenry is essential for constructive debate on proposals to strengthen the Canadian federation;

AND WHEREAS New Brunswickers believe a strong and effective federation is achieved through the cooperation of all levels of government working to meet the needs of Canadians;

AND WHEREAS the Legislative Assembly of New Brunswick has a tradition of making important and useful contributions to the cause of Canadian unity;

NOW THEREFORE the Legislative Assembly resolves that the following principles be endorsed as an expression of fundamental values of Canadian society:

1. All Canadians are equal and have rights protected by law.
2. All provinces while diverse in their characteristics, have equality of status.
3. Canada is graced by a diversity, tolerance, compassion and an equality of opportunity that is without rival in the world.
4. Canada's rich diversity includes Aboriginal peoples and cultures, the vitality of the English and French languages and a multicultural citizenry drawn from all parts of the world.
5. In Canada's federal system, where respect for diversity and equality underlies unity, the unique character of Quebec society, including its French speaking majority, its culture and its tradition of civil law, is fundamental to the well being of Canada. Consequently, the legislature and Government of Quebec have a role to protect and develop the unique character of Quebec society within Canada.
6. If any future constitutional amendment confers powers on one province, those powers must be available to all provinces.
7. Canada is a federal system where federal, provincial and territorial governments work in partnership while respecting each other's jurisdictions. Canadians want their governments to work cooperatively and with flexibility to ensure the efficiency and effectiveness of the federation. Canadians want their governments to work together particularly in the delivery of their social programs. Provinces and territories renew their commitment to work in partnership with the Government of Canada to best serve the needs of Canadians.

Leave was granted to dispense with the required notice.

Government Motions re Business of House

Hon. Mr. Tyler announced that following Private Members' Motions, it was the intention of the government that the House resolve itself into a Committee of the Whole to take into consideration Bills 5, 6 and 7.

Mr. Speaker advised the House that he had received the required notice from Mr. Volpé of his intention to move a motion for the adjournment of the House for the purpose of having an emergency debate on the matter of the proposed natural gas pipeline.

Mr. Volpé outlined the matter proposed to be discussed.

Hon. Mr. Tyler rose to submit that the matter did not constitute a true emergency.

Mr. Mockler rose on a Point of Order referring to Standing Rule 45(5) which states that the Speaker shall decide, without any debate, whether or not the matter is proper to be discussed.

Mr. Speaker ruled that he had considered the matter proposed for discussion and found that it did not relate to a genuine emergency. Mr. Speaker advised, however, that the Standing Rules provide other means of moving a substantive motion on the matter.

It was agreed by unanimous consent to recess the House to consider the order of business for the remainder of the daily sitting.

Mr. Speaker declared a recess at 2.21 o'clock p.m.

2.37 o'clock p.m.

Mr. Speaker resumed the chair.

Government Motions re Business of House

Hon. Mr. Tyler having requested that the House revert to the order of Government Motions for the Ordering of the Business of the House, announced that the House would proceed to the order of Private Members' Motions.

Private Members' Motions

Debate resumed on the amendment to Motion 1, moved by Hon. Mr. Richard, seconded by Mr. Kavanaugh, as follows:

AMENDMENT

That Motion 1 be amended:

1. By deleting the third paragraph of the motion and replacing it by the following "WHEREAS the Government has met this challenge by creating a strong role for parents in the education system through School Parent Advisory Committees and District Parent Advisory Councils and the Provincial Boards of Education":

2. In paragraph 4, by replacing the word "ask" with the word "urge" and by deleting the words "consider restoring real decision making power over local schools to the communities they serve" and replacing them with the words "continue to develop and support the role created for parents in shaping schools to benefit their children".

During the debate, Hon. Mr. Graham rose on a Point of Order to request that the Member for Carleton table a copy of a letter that he had referred to and that he withdraw certain related remarks.

Hon. Mr. Richard subsequently rose on a Point of Privilege, his point being that the Member for Carleton had misdirected the House on the contents of the letter that he was alleged to have written.

Mr. Speaker called Hon. Mr. Richard to order and requested that he withdraw the word "lie". Mr. Speaker stated that members are on their honour to tell the truth in the House and one must assume that members are speaking factually, correctly and without fabrication.

Hon. Mr. Richard withdrew the comment.

Mr. Speaker noted that it is an established rule in this House that when a member refers to a letter in debate, the member should be prepared to table the letter. Mr. Speaker noted that the Member for Carleton had indicated his intention to table the letter and there would be no further reference to the said letter until such time as it was tabled.

And debate continued on the amendment to Motion 1.

And the debate being ended and the question being put, the amendment was adopted.

Debate continued on Motion 1 as amended, as follows:

WHEREAS this government made a commitment to Excellence in Education in the report of its Commission in 1992; and

WHEREAS this Excellence in Education Commission recommended effective steps be taken to strengthen the role and responsibility of school boards in the setting of goals, managing the resources and assessing the achievements of the schools in their communities, as well as to create a closer partnership between schools and the communities they serve; and

WHEREAS the Government has met this challenge by creating a strong role for parents in the education system through School Parent Advisory Committees and District Parent Advisory Councils and the Provincial Boards of Education;

BE IT RESOLVED THAT the Legislative Assembly urge the Department of Education to continue to develop and support the role created for parents in shaping schools to benefit their children.

And after some time, Mr. Speaker interrupted proceedings and announced that the time for Private Members Motions had expired.

The House resolved itself into a Committee of the Whole with Mr. MacDonald in the chair.

And after some further time, Mr. Speaker resumed the chair and Mr. MacDonald, the Chairman, after requesting Mr. Speaker revert to the Order of Presentations of Committee Reports, reported:

Tthat the Committee had directed him to report progress on the following Bill:

Bill 5, *An Act to Amend the Motor Vehicle Act.*

And the Committee asked leave to make a further report.

Pursuant to Standing Rule 78.1, Mr. Speaker put the question on the motion deemed to be before the House, that the report be concurred in, and it was resolved in the affirmative.

Government Motions re Business of House

Hon. Mr. Tyler gave Notice of Motion 74 that on Friday, December 19, 1997, he would move the following resolution, seconded by Mr. Allaby:

THAT when the House adjourns on Friday, December 19, 1997, it stand adjourned until Monday, December 22, 1997, at 8.30 o'clock a.m.; and, when the House adjourns on Monday, December 22, 1997, it stand adjourned until Tuesday, December 23, 1997, at 8.30 o'clock a.m., and the sitting hours shall be as follows:

Monday, December 22, 1997

8.30 a.m. to 12.30 p.m.
2 p.m. to 6 p.m.
7 p.m. to 10 p.m.

Tuesday, December 23, 1997

8.30 a.m. to 12.30 p.m.
2 p.m. to 6 p.m.
7 a.m. to 10 p.m.

And then, 6 o'clock p.m., the House adjourned.

The following documents, having been deposited with the Clerk of the House, was deemed laid upon the table of the House pursuant to Standing Rule 39:

Documents requested in Notices of Motions 29, 30, 31, 40, 43, 44, 47, and 48 December 16, 1997