



ADDRESS

by the

Honourable John M. Buchanan, Q.C.

Premier of Nova Scotia

to the

CONSTITUTIONAL CONFERENCE OF FIRST MINISTERS

Ottawa

October 30, 1978

The constitution of a great nation such as ours is more than a legal document. It is more than a piece of legislation passed by one element of the Confederation. It is the living heart of the political, social and cultural union that binds us as Canadians. It is the key to the preservation and enhancement of that heritage which is most precious to us - a parliamentary political system under the Crown.

As Canadians we are the inheritors of a system of government and a constitution created over nearly four centuries by the collective efforts and wisdom of our forefathers.

In our political system which unlike those of other nations is based in part of convention and precedent, we have a way of government that protects our freedoms while being uniquely able to respond to new and unforeseen challenges.

The symbols and institutions of our past are important because they are part of Canada. These symbols and institutions must continue if we are to fully understand our present system of government and plan for the future, as we must, in the light of our past. As Joseph Howe said in 1871:

"A wise nation preserves its records, gathers up its muniments, decorates the tombs of its illustrious dead, repairs its great public structures and fosters national pride and love of country by perpetual reference to the sacrifices and glories of the past."

We Canadians have in the past found ways of working together for the achievement of common objectives. Our history proves this. Some of the previous attempts at constitutional revision failed

because of deep and basic disagreement, some because of political events and some because the will to succeed simply was not strong enough to carry on with the difficult and time consuming undertaking. With confidence in my colleagues around this table, I suggest that we embark on this great undertaking with a will to succeed which must not fail because of disagreements which we may have from time to time.

Facing us in three days is a discussion of the entire spectrum of our political and constitutional fabric. It would be unrealistic to suppose that we can solve the problems of the country in three days. This conference is part of a process which must succeed and Nova Scotia is determined it shall succeed.

But we must also realize that Canada is faced with severe economic problems. To many Canadians these discussions will have little relevance to their families who face record inflation and loss of livelihood. We must recognize our duty to address these questions. Ten years ago a previous administration in the province of Nova Scotia made the following statement to a Federal-Provincial Conference:

"With great respect Nova Scotia submits that the question of regional economic imbalance is just as important as our much publicized constitutional difficulties with which we have great sympathy. Nova Scotia is of the opinion that economic problems underlie many of the frustrations that have received attention in recent years. We delude ourselves if we think that satisfaction of demands respecting constitutional or human rights matter very much to the man in any province in Canada who is unemployed for months each year. In his

mind the constitutional questions will take second place in the struggle to feed, clothe, and educate his family. We feel that federal-provincial governments have a responsibility to maintain an appropriate balance in dealing with the subjects of constitutional change and regional disparity. We must deal with the constitutional questions effectively but in so doing let us remember that the average man, wherever he resides in Canada, simply has to be more concerned about earning a livelihood for his family in a productive form of employment than he can be about having his constitutional rights recognized so long as his social environment is tolerable."

We see no reason after the passage of ten years to change that view.

I say to you Mr. Prime Minister, in all candour, that we cannot undertake the task of devising a new constitution faced with deadlines. Nor can we consider parts of the constitution in isolation from other parts of the constitution. It is one constitution for the federal government and one constitution for the provinces. It is one constitution for the people of Canada. The Confederation of 1867 was achieved through the collective endeavors of the Fathers of Confederation without unilateral action by any one party. Agreement was then and must still be, the only way by which we resolve our constitutional problems.

There are a number of specific points to which I will now address myself.

THE MONARCHY:

The province of Nova Scotia supports a constitutional

Monarchy and asserts that there should be no change in the role of the Queen. We recognize that practices and conventions have developed through the years and that it is not always easy to state a convention of the constitution in legislative language.

We believe that the powers of the Crown must remain vested in the Monarch and exercised in Canada by the Governor-General as her representative.

THE CHARTER OF RIGHTS AND FREEDOMS:

It seems to us that rights and freedoms should not be incorporated into the Canadian constitution unless they apply with equal force to all Canadians wherever they reside. I submit that it is misleading to put into the Canadian constitution rights and freedoms of Canadian citizens which are binding on one or more governments but not on other governments. We believe that the proposed rights and freedoms should be considered very carefully and only those which all jurisdictions within this country are prepared to adopt should become part of the constitution.

SENATE:

We would support a proposal for direct appointment of provincial representatives to the Second Chamber thereby providing for the expression of provincial and regional points of view in that Second Chamber.

As Premier of a new Conservative government in Nova Scotia perhaps I will be forgiven for suggesting that the Senate has been underused and misused in the past. Changes in the Second Chamber must be of such a nature as to ensure that we possess a Second Chamber that will operate as an element in responsible government with the traditional capacity for "sober second thought"

and most importantly with the capacity of expressing and protecting provincial regional interests.

REGIONAL DISPARITIES:

We believe that the commitment to equalization stands apart from any other program as a pillar of Confederation. The principle of equalization is completely fundamental to our concept of Confederation. If the citizens of Canada are to enjoy a reasonable standard of essential services without an abnormal burden of taxation we must continue equalization transfers between governments.

We see regional development as a process by which regional disparities and hence the need for equalization transfers will be reduced and eventually eliminated. We are committed to develop Nova Scotian resources to improve our province's economy. We in Nova Scotia see great potential in our forests, our fisheries, our mines, our offshore resources, and our agriculture. If we are to develop our resources such as the fishery we must have greater control over the decisions that are made at the federal level which so vitally concern our people. Finally, with respect to our greatest resource, the talent and skills of Nova Scotians, we can ill afford a transportation system, which has since the inception of our nation, put our industries at a competitive disadvantage. Transportation policy must be seen as a development tool to fulfill the original promises of Confederation. We had an expectation of economic advantage from Confederation which has not yet been realized.

DISTRIBUTION OF POWERS:

We are prepared to examine this matter very carefully, but

we must point out that powers, of course, entail responsibilities. From the very beginning some of the provinces could not finance the ordinary functions of government. This situation became more acute as their responsibilities increased, largely by reason of changes in social, economic and political philosophies. Certainly in the case of the less affluent provinces, transfer to them of any additional responsibilities would have to be accompanied by a transfer of some source of additional fiscal capacity. This would mean, of course, further transfer of payments from the

government of Canada. Whatever happens, the government of Canada must retain sufficient jurisdiction and resources including taxing and spending powers to carry out these responsibilities.

CONCLUSION:

We must realize that we are indeed fortunate in comparison with most of the world's nations. Why do we find ourselves in these circumstances? Partly, no doubt, because of accidents of geography and history for which we can claim no credit. But these accidents only set the stage and provided the opportunity for us to become a great nation.

We are what we are because over the past years Canadians have possessed the imagination, the courage, the determination, and the willingness to make sacrifices to fulfill their dreams. The present is the product of these Canadians and their dreams and it is the will and determination of Canadians that will create our future.

This country has a future. Look around at other countries and compare their potential for growth and development to ours.

Is there another nation anywhere with more potential and greater opportunity to achieve for its citizens an unsurpassed quality of life?

We suggest there is not. But potential is one thing and reality is another. Whether our potential will be realized depends on us and our attitudes. Canada can continue to be a great nation and we can go on to the pursuit of achievement if we have the will and indeed the good will to do so.

- our hope - reasonable consensus -

- the ability to solve great problems of Canada -

- our Canada -

- willing to do our share -