

FEDERAL-PROVINCIAL CONFERENCE
OF
FIRST MINISTERS ON THE CONSTITUTION

New Brunswick Proposal concerning
The Charter of Rights

New Brunswick

Ottawa
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NEW BRUNSWICK PROPOSAL CONCERNING THE CHARTER OF RIGHTS

New Brunswick suggests that the proposed resolution be altered so that only certain provisions of the Charter would come into force immediately. These include:

Guarantee of Rights and Freedoms	(section 1)
Fundamental Freedoms	(section 2)
Democratic Rights	(sections 3 - 5)
Mobility Rights	(section 6)
Official Languages of Canada	(sections 16 - 22)
Minority Language Educational Rights	(section 23)
General	(sections 25, 26, 29, 30, 31)

The remaining provisions of the Charter of Rights would be enacted, but would not come into force for three years. These include:

Legal Rights	(sections 7 - 14)
Equality Rights	(section 15)
Enforcement	(section 24)
General	(sections 27, 28)

This concept of deferred application for three years presently exists in the Charter, but applies only to section 15.

During this three-year period these deferred provisions would be placed on the agenda of the Constitutional Conferences to be convened annually to deal with these and other matters. At the end of this period six provinces acting together could prevent the coming into force of any provision by depositing resolutions of their legislative assemblies with the Clerk of the Privy Council

opposing the coming into force of the provision. Such resolutions could be adopted at any time after two years had elapsed from the coming into force of the other provisions of the Act. The two-year restriction is designed to ensure at least two years of open discussion prior to a commitment being made by a legislative assembly, during which a consensus on the scope of the Charter might be reached and amendments secured, if necessary.