

of the resolution. That is the part of the resolution where the federal Parliament can unilaterally hold a referendum on a constitutional matter in this country. Regardless of what a provincial legislature may do, regardless of whether or not in a provincial legislature all the parties are united in opposing a referendum, a referendum may be held and it may pass because the federal government is playing with loaded dice. They have control of the referendum question, they write the question, they determine the funds and they determine all the rules for that referendum. I find that to be highly unacceptable, as I said before the supper hour.

I also referred to the section on equalization and said that we agree in principle to equalization. But in the resolution before us today—and I wish hon. members would take a look at it—there is no reference at all to equalization payments. I find that absolutely disgusting and unacceptable. Under the formula, which only one province supported at the conference here a month ago, nine provinces argued for a different approach. I say we must change that to make sure that equalization payments are referred to and that a system such as the provinces want is included. There is a system that is talked about in here, one where the federal government can go over the heads of provincial governments and make payments directly to individuals in various provinces. That is not right and not fair and I find it very difficult to support that kind of approach.

The fourth point about which I was really concerned, and I was speaking about this in detail at five o'clock, arises in sections 20 and 23 dealing with official languages. As I said, in section 20 we are talking about the official languages as they pertain to the federal Parliament and to federal institutions. There is a reference here to the phrase "where numbers warrant", but it is the federal Parliament which is going to decide whether or not the numbers warrant it. But when one turns to section 23, one finds it talks about minority language educational rights and when we get to "where numbers warrant", all of a sudden there is a double standard and we see that it is not the provinces, with their control over education which will determine that, but it is the courts which will make that determination. I say this is not acceptable. It is not acceptable to have that double standard in federalism where, on the one hand, Parliament will make decisions which affect our institutions while, on the other hand, when it comes to the provinces, matters are left to the courts to decide.

I wanted to refer very briefly to a communiqué which the Prime Minister (Mr. Trudeau) is very fond of quoting. He quoted this communiqué last Thursday evening in the televised address to the people of this country. It is a February, 1978, communiqué from the premiers who met in Montreal when they spoke about language rights in education. They said:

The premiers reaffirm their intention to make their best efforts to provide education to their English or French-speaking minorities, and in order to ensure appropriate levels of services, they also agree that the following principles should govern the availability of, as well as accessibility to, such services:

- (i) each child of the French-speaking or English-speaking minority is entitled to an education in his or her language in the primary or the secondary schools in each province wherever numbers warrant

The Constitution

That is what the Prime Minister refers to when he talks about all the premiers agreeing to this. But what he does not say is what is contained in the second part of the communiqué, which I think is very important. It reads:

(ii) It is understood, due to exclusive jurisdiction of provincial governments in the field of education, and due also to wide cultural and demographic differences, that the implementation of the foregoing principle—

—which is "where numbers warrant"—

—would be as defined by each province.

There is a very important difference here and I suggest to the Minister of Justice (Mr. Chrétien) that he accept that principle because there are demographic differences in this country from one province to the other. Education is under the exclusive authority of the provincial governments, and if we are going to have Parliament define "where numbers warrant" in the case of federal bilingualism, we should make sure the same rights reside with the provincial legislatures, that they define where numbers warrant.

Some hon. Members: Hear, hear!

● (2010)

Mr. Nystrom: I have a number of concerns about the resolution before us. I suppose I am airing those concerns as a warning to the government. A lot has been written about the fact that the government has widespread support among its people for what it is doing. But within that support I detect a great deal of apprehension about a number of things in the resolution. I detect a great deal of apprehension in western Canada, Quebec, Newfoundland and among the original peoples of this country, just to name a few. Because those apprehensions are there, I have made four or five points today—a number of further points will be made by my colleagues later.

I mentioned original peoples and offshore resources. Those apprehensions are there because of the process which occurred over the summer and the fact that the government failed to widen the negotiating process as was suggested by my leader and the leader of the Conservative party last June. Also, the apprehension is there because of the advertising campaign launched by the government at a cost of \$6 million over the course of the summer. Also it is there because the budget of the unity information office has been increased from \$9 million or \$10 million to around \$33 million. We wonder what is to come.

In conclusion I should like to make one more suggestion to the government. It was contained in a resolution passed by my party on September 7. It was supported by my leader, my caucus and the national council of the party. It was a bit of advice for the government concerning future constitutional negotiations which we hope will be ongoing. I should like to read part of the resolution. After the September 8 to September 12 conference we recommended the following:

—that a new round of deliberations be started almost immediately and that the conference participants include multiparty delegations selected by Parliament and each of the provincial legislatures—