

● (1240)

Times have changed over the 114-year period. Particularly in the past 54 years we have tried to patriate our constitution on numerous occasions. This has been attempted by a number of prime ministers, including Mr. King, Mr. Bennett, St. Laurent, Diefenbaker and Pearson, each and every one of them without any success whatsoever.

It is important that we consider a number of aspects of this constitutional package. I do not intend to dwell at length on the preamble, because I recall a preamble that was presented at the first ministers' conference in the Convention Centre by the Conservative government of Ontario. At that time the Prime Minister (Mr. Trudeau) was prepared to accept it, but the other provinces would not agree.

I will not dwell on the charter of rights because many others are taking a great deal of time to discuss each and every aspect of that matter from many points of view and with many reasons.

So far as the amending formula is concerned, whether it be the Victoria formula of 1971 or the Vancouver formula, it would appear that in any event there will not be any agreement, certainly in the foreseeable future, between all provinces on any kind of amending formula.

Returning to the charter of rights, I want to deal with only one fundamental, basic matter, language rights.

*[Translation]*

Mr. Speaker, for the first time in Canada's history the rights to education in the language of the minority will be guaranteed throughout the country. The charter of rights and freedoms will give all Canadians the right to have their children educated in their official language where the number is sufficient to warrant it. English-speaking Canadians who will settle in Quebec will have the right to have their children educated in English, and French-speaking Canadians will at last have the right to have their children educated in French no matter where they live in Canada. By guaranteeing minority language educational rights we will entrench in the constitution the agreement reached by the provincial premiers in St. Andrews in 1977 and in Montreal in 1978, to wit, and I quote:

Every child belonging to the French or English minority has the right to receive in his or her mother tongue his or her primary and secondary schools instruction in any province where the number of children is sufficient to warrant it.

The Constitution now includes other linguistic rights concerning the use of French or English in the legislative assemblies, before the courts, in the statutes and the parliamentary documents of Quebec and Manitoba. Those rights will continue to be guaranteed by the existing constitutional provisions. In addition, at the request of the New Brunswick government, the linguistic rights will apply to that province.

The Constitution acknowledges the right to use French and English in Parliament and before federal courts. Those rights will be defined in the Canadian Charter of Rights and Freedoms.

*The Constitution*

It also includes other rights which are now part of the Official Languages Act and which will be entrenched in the Constitution. French and English will be defined in the Constitution as being the official languages of Canada. In it will also be spelled out the right of the public to communicate with the headquarters or the main office of the institutions of Parliament or of the Government of Canada, or to be given services in French or in English and, in regions where the number warrants it, the public will have the same right with respect to any other office of those institutions.

*[English]*

When we look at the proposed Constitution Act of 1981, which is the resolution tabled by the Minister of Justice (Mr. Chrétien) on February 13 of this year, in considering language rights we refer specifically to a number of sections, from Section 16 to Section 22. Section 16 makes English and French the official language of Canada and of New Brunswick, with equal rights and privileges as to their use in all institutions of government at the federal level across Canada and at the provincial level in New Brunswick. The section also assures that nothing prevents Parliament or the legislatures from providing for greater equality and use of the two languages.

Section 17 of the same resolution provides that any person has the right to use either English or French in the debates and other proceedings of Parliament and the legislature of New Brunswick. This right already exists, as we know, in the provinces of Quebec and Manitoba.

Section 18 requires that the statutes, records and journals of Parliament and the legislature of New Brunswick be printed and published in both English and French and makes both language versions equally authoritative.

In Section 19 there is provision for the use of English and French in all courts established by Parliament and in the courts of New Brunswick. It entitles any person to use either language before these courts orally or in writing and to have processes issued by the courts in either language.

Further, Section 20 will give members of the public the right to use English or French in communicating with or receiving available services from any head or central office at the federal level and from any other office whenever there is a significant demand for communication or service in such language due to the nature of the office.

Section 21 preserves the existing constitutional language guarantees, whether English or French, under Section 133 of the British North America Act, which applies particularly to Quebec, and under Section 23, which refers to the Manitoba Act.

Finally, Section 22 is designed to ensure that any rights or privileges existing with respect to languages other than English or French are not impaired by provisions of the charter.

It is important to note that an amendment has already been made to Section 20 so that the courts, rather than Parliament, would ultimately determine whether other federal offices should provide bilingual services. Also, the test for the provision of services in English or French would be based on a