

gave all Canadians the right to communicate with and be served by the Government of Canada in either English or French. While the federal government would like to see constitutionally guaranteed institutional language rights at the provincial level, it will not impose such rights over the opposition of the provinces.

The charter provides minimum guarantees in attempting to achieve the widest consensus possible from provincial governments. Thus, when the provisions for institutional language rights at the provincial level, included in the draft charter tabled at the first ministers' conference in September, received virtually no provincial support, apart from New Brunswick, the provisions respecting the provinces were withdrawn. However, the status quo is preserved and both Quebec and Manitoba remain bound by existing constitutional rights. As New Brunswick officially requested that these rights apply to that province, this is being done. In addition, the amending formula has been modified to facilitate the opting-in of any other province to any or all of the language provisions listed in Sections 16 to 20 inclusive of the charter.

I should like to quote some comments of Premier Blakeney. He said:

I do not object to the constitutional entrenchment of French and English language rights. The right to use French or English, or the right to receive some government services in either of those languages, is not, after all, a right which we claim as humans. It is an essential fact of Canada, an essential element of the Confederation bargain, and, as such, is an obvious candidate for inclusion in the Constitution.

The minority language educational rights reflect the unanimous agreement of the provincial premiers in 1978 to the principle that children of the French or English-speaking minority in each province should be entitled to primary and secondary education in the minority language where numbers warrant. The rights provided by the charter are minimum guarantees and do not preclude the provinces from providing greater rights, as some of them do now, such as allowing immigrants and citizens to send their children to minority or majority language schools as they may choose. For instance, this happens in New Brunswick.

I keep referring to the province of New Brunswick because hopefully we, in New Brunswick, are enlightened with regard to language rights.

The federal government agrees that ideally the rights should be extended to all residents of Canada. Although it might be preferable to provide for freedom of choice in language of education, the charter is designed not only to safeguard the interests of the majority, but also to protect the basic rights of the minority. If the majority language group in any province wishes the right to have their children educated in the minority language, they have the democratic means at their disposal to ensure this result.

The minority language education provision is being implemented on the basis of the premiers' Montreal agreement of 1978. This clearly specified the entitlement on the basis of "where numbers warrant". Thus, this qualification remains, but it will be a matter for review by the courts. When they

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determine that the minimum numbers have been set too high, they can direct that they be lowered so as not to render the right ineffective. The charter assures the right to minority language education, but it does not get into the details as to how this will be provided.

I should like to refer to the comments of Mr. Alex Paterson, Co-President of the Positive Action Committee, before the special joint committee. He said:

We have seen what happens when a province like Manitoba wishes to take the fate of its minorities into its hands. It will wipe out with a stroke of the legislative pen a protection for its minority. Everything we can do to strengthen these protections for minorities by entrenching them in the Constitution will give more reason for the minorities to feel secure and expose them less to the mercy of their provincial governments.

It cannot be left to the discretion of the individual provinces to decide. This is a right we wish every Canadian to have no matter in what province he resides. For that reason we think it is essential that rights of these kinds be entrenched and it is not in fact an invasion of the powers and competence of the particular provinces.

Now I should like to turn for a moment or two to the area of equalization. First and foremost, I suppose one should ask the following question: Why should the principles of equalization and regional development be enshrined in the Constitution of Canada? The commitments stated in Section 34(1) of the proposed resolution—to promote equal opportunities, to reduce economic disparities and to provide essential public services across the country—capture one of the most important elements of what it means to be a Canadian: a willingness to share our good fortune and our opportunities so that we can grow strong together.

I should like to remind hon. members that this commitment applies not only to Parliament and to the Government of Canada, but also to the legislatures and the governments of the provinces, although I emphasize this commitment does not alter the legislative powers of the two orders of government.

There is great merit in enshrining in the Constitution the concept of equalization so that sharing will be an important ingredient in the future of our national life, but there can be no doubt about the current commitment of the federal government to the principle of equalization. All provincial governments have supported enshrining the principle of equalization in the Constitution. Not only do all provincial governments in Canada support the principle of enshrining equalization in the Constitution, and not only has the federal government agreed to amend Section 34(2) in line with the preferences of most provinces, but I believe there is agreement among the three parties in the House for Section 34.

Mr. Baker (Nepean-Carleton): You are absolutely correct.

Mr. Dionne (Northumberland-Miramichi): When the joint committee considered this section of the proposed resolution on January 30, the hon. member for Yorkton-Melville (Mr. Nystrom) commended the Minister of Justice (Mr. Chrétien) for the amendment he introduced to Section 34(2). He said:

But now what he has done is he has enshrined the principle of equalization payments. I commend him for that; it is a wise move; something that has been going on in this country for a long time; a good thing—