

That is the operative part.

Mr. Speaker: There being unanimous consent for the introduction of that motion, shall the motion carry?

Some Hon. Members: Agreed.

Motion agreed to.

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EQUALITY RIGHTS

CONCURRENCE IN FIRST REPORT OF STANDING COMMITTEE

Mr. Svend J. Robinson (Burnaby) moved:

That the First Report of the Subcommittee on Equality Rights of the Standing Committee on Justice and Legal Affairs, presented to the House on Friday, October 25, 1985, be concurred in.

[*Translation*]

Mr. Speaker: The Hon. Member for Shefford (Mr. Lapierre) on a point of order.

Mr. Lapierre: Yes, Mr. Speaker. I sent you notice that I wanted to seek leave to hold an emergency debate under Standing Order 29. I would like to know—

[*English*]

Mr. Speaker: As I indicated to the Hon. Member for York-Scarborough (Mr. McCrossan), the Hon. Member might want to read the Order Paper. Applications under motions under Standing Order 29 come after Questions on the Order Paper, which come after motions. We are now at motions, and the Hon. Member for Burnaby (Mr. Robinson) has the floor on his motion.

Mr. Robinson: Mr. Speaker, it is an honour to rise at this point to move concurrence in the First Report of the Subcommittee on Equality Rights of the Standing Committee on Justice and Legal Affairs.

On April 17, 1982, Parliament took an historic step toward full equality for all Canadians by adopting Section 15 of the Charter of Rights and Freedoms. Of course Section 15 is the section dealing with equality rights. In adopting Section 15, Parliament took the position that where Governments, and in particular where parliamentary majorities and legislative majorities, are prepared to trample on the rights of minorities, or where they refuse to move to protect the rights of minorities, there must be some recourse to an independent tribunal. When those fragile freedoms about which Tom Berger wrote so eloquently are threatened, "the courts of the land must offer a means of recourse to citizens whose rights are violated".

Of course it is true that recourse to the courts of the land can be costly and time consuming, and that ultimately we must look at the composition of the judiciary in deciding important questions of social and economic values. We in the New Democratic Party and our predecessors in the CCF have fought for decades for the principle of an entrenched Charter of Rights and Freedoms, a statement of certain fundamental

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values and beliefs in our democratic society, a statement of a commitment by the country to full equality.

It was with considerable sadness that we noted that Parliament saw fit as well to include Section 33 of the Charter of Rights, the section which in effect allows parliaments or legislatures, at the stroke of a legislative pen, to override the most fundamental and basic of human rights.

I mentioned the date of April 17, 1982. At that time Governments, both federal and provincial, were given three years before Section 15 of the Charter of Rights and Freedoms came into effect, three years to enable them to bring their laws, their policies and their practices into compliance, three years to ensure that the equality on paper in Section 15 would become equality in reality for Canadian men and women.

Three years passed and at the end of that time those Canadians who were affected most strongly by the denial of equality observed that very little had changed. There had been no real legislative change, no real change in policy. Indeed, the only change in respect of the status of women in Canada was an amendment to the Canada Shipping Act to allow women as well as men the right to send wages to their families offshore. The only change in law by the Government of Canada affecting the rights of the disabled was again an amendment to the Canada Shipping Act which changed the word "lunacy" to the words "mental disability". That, after three years, was the sum total of the Government's response. I emphasize that we are talking about the previous Government as well as the current one. That was the level of their commitment to full equality for all Canadians.

[*Translation*]

Mr. Speaker, I notice here that the Prime Minister (Mr. Mulroney) himself said: Since we are the children of freedom, it is up to us to defend the cause of human rights and minorities every time they are threatened, and threatened they are indeed!

[*English*]

In January of last year, the Minister of Justice (Mr. Crosbie) appointed a seven-member parliamentary committee to examine the implications of the coming into force of Section 15 of the Charter of Rights and Freedoms. That section came into full force on April 17 of this year. I had the honour of serving on behalf of the New Democratic Party on that committee. At this time I want again to pay tribute to the outstanding work done by my colleagues from all Parties on that committee. There were five members of the Conservative Party. The committee was chaired very ably by the Hon. Member for Etobicoke-Lakeshore (Mr. Boyer), as well as the Hon. Member for Mount Royal (Mrs. Finestone) representing the Liberal Party, and myself.

I note initially that the position taken by the Official Opposition, by the Liberal Party, as expressed by its justice critic, was unfortunately to suggest to Canadians that they should have nothing whatsoever to do with this process. Indeed, he went so far as to send a letter to all of the groups who appeared before the constitution committee urging them