the Liberal Minister of Justice, Mark MacGuigan—who got his reward in the Federal Court—refuse to move on amendments to the Canadian Human Rights Act which would strengthen the protection of minorities in this country. I proposed those amendments to strengthen the Canadian Human Rights Act, but the Minister of Justice of the day said, no, there was not a consensus of the majority to move forward on those amendments. The Hon. Member for York South-Weston says that the Tories are waiting for the majority, that they are abandoning the minorities to the will of the majority. Where on earth was he when his Minister of Justice stood up before the Justice Committee and made exactly that argument? He said he was not prepared to amend the human rights legislation because the majority was not ready. What utter hypocrisy, Mr. Speaker, on the part of that Party and that Hon. Member.

● (1640)

I would like to deal with some of the concerns which we in this Party have with respect to the process which the Government has undertaken in the area of equality rights. We strongly support, and historically have always supported, the concept of a charter of rights entrenched in the Constitution. We fundamentally disagree with the inclusion of Section 33 of the Charter which allows any Government, provincial or federal, to override the most basic and fundamental rights in this country at the stroke of a legislative pen. However, we recognize that in the contest between the judiciary and Parliaments, as former Justice Tom Berger put it so eloquently in his book *Fragile Freedoms*, "Judges may not always be wiser than politicians but they should be able to stand more firmly against angry winds blowing in the streets". It was that philosophy which very much guided this Parliament and members of this Party in supporting the concept of an entrenched Charter of Rights.

Following the passage of the Charter, one would have hoped that the Government would be moving forward very quickly to review legislation—there were some 1100 federal statutes and many more regulations and policies—to bring it into compliance not just with Section 15 of the Charter of Rights but with the other section of the Charter as well. I note that the spokesperson for the Official Opposition was silent with respect to all of those other vital sections of the Charter: freedom of association, freedom of speech, freedom in terms of the media and fundamental legal rights. I would have hoped that this Government, in reviewing its legislation, would have recognized that many of its statutes and policies conflict, and conflict seriously, with the values set out in the Charter of Rights and Freedoms, and not just in Section 15 but in other sections as well.

I might note as well, Mr. Speaker, that it was not until January of 1984, some two years after the Charter of Rights came into effect, that the Liberal Government finally got around to starting its review of equality rights. One must question, then, the seriousness with which it approached that very fundamental review process. But the review was undertaken and on January 31, Bill C-27 was tabled in the House of Commons along with a discussion paper. The Bill is a thick Bill but there is very little of substance in the legislation. The fact is that in issue after issue that the Government should have addressed directly by way of legislation, it has copped out. It has abrogated its responsibility and has called for further study.

What does the Bill do, Mr. Speaker? There are a whole series of changes to the legislation dealing with inspection and powers of entry and search. I do not believe anyone would disagree with the direction the Government is taking in those sections. Then there are some proposed changes to the National Defence Act. I would note that the National Defence Act was the subject of extensive challenge in the Supreme Court of Canada and the majority of the Supreme Court in the decision in *McKay v. the Queen* upheld the validity of that Act. But that was before the Charter of Rights came into effect. A concurring minority of judges in the McKay decision found that the provisions of the National Defence Act were inoperative as being in breach of the Bill of Rights in so far as they purported to deal with defences which might not have a military connection. One would have thought and hoped that this Government would have been at least prepared to strike down those provisions of the National Defence Act which permit the trial of members of the Armed Forces, civilians and others without any kind of military connection for the offence. One would have hoped, in short, Mr. Speaker, that the Government would at least have gone so far as to adopt the reasoning of Mr. Justice McIntyre in the McKay decision. There are some of us who found the very powerful dissent of former Chief Justice Laskin persuasive. However, at the very least, one would have hoped that this Government would have accepted that far more fundamental changes in the National Defence Act were required than the changes which were brought forward in this Bill. Certainly, we will look forward to hearing from witnesses from the Department of National Defence as well as from the Department of Justice on that question.

The amendments to the Canadian Human Rights Act which restore some semblance of independence to the process of appointment of tribunals are certainly unobjectionable. I would have hoped the Government would have gone further and accepted the recommendations of the Special Committee on Discrimination Against Visible Minorities in the report *Equality Now!* and had the Canadian Human Right Commissin reporting directly to Parliament, but that was not to be.

There are amendments as well, Mr. Speaker, in some other relatively non-controversial areas, although I would note that one amendment to the Immigration Act of 1976 gives rise to very serious questions. Under the proposals in Bill C-27, an adjudicator in an immigratin hearing is given for the first time discretionary power to decide if a hearing is going to be open to the public. In the past it has always been the prerogative of the immigrant to ask for a closed hearing. It is most important, in my view, that this prerogative continue, because in many cases a refugee from another country who is seeking refugee status may have very sensitive issues to raise. He may,