

The Constitution

This Parliament is one of the partners in confederation. We have acted effectively regarding the whole resolution. The other partners, the premiers, have acted creatively after the Supreme Court decision. Now it is up to us to act again, creatively and constructively, in Canada's interest.

The other assumption which requires careful and serious scrutiny is the view that the present government of Quebec wants no agreement. I will suggest a test which may make them show their true colours. However, whatever the motive of the government of Quebec, the people of Quebec may want a just Canadian solution, and may want it ardently enough to force the Parti Québécois to put the people of Quebec first.

Some hon. Members: Hear, hear!

Mr. Clark: Of course, on this question we must be realists. I have been a realist concerning this matter since the day the constitutional debate began, a day when most people said the action of the Prime Minister was unstoppable. That very realism requires that we analyse and not merely blindly accept the argument that the present Quebec government will never agree to anything. As I will argue later, it has already agreed to the April accord, but it did so with seven other provinces of Canada. However, it is fair to assume that it will agree only if the people of Quebec force it to agree or support it in that agreement.

Therefore, as the Parliament of the whole country, as the Parliament which can be the last agency to bring our whole nation together, our attention should be paid to the people of Quebec—and not just the government of Quebec. Our standard, when we vote and speak in this House, should be whether provisions in this resolution or amendments to this resolution help the people of Quebec to stay comfortably within our common country, Canada.

Some hon. Members: Hear, hear!

Mr. Clark: I indicated that the first amendment we wanted to introduce, the one which I will be introducing today, relates to the equality of male and female persons. I would like to speak about that for a moment. When representatives of the federal and provincial governments met, they agreed that certain rights set out in the Charter of Rights and Freedoms should be limited by Section 33 of the new resolution by the *non obstante* clause. In the accord which was tabled in this House of Commons by the Prime Minister on November 5, the *non obstante* clause did not apply to Section 28, which guaranteed the equality of male and female persons. I believe that is an uncontested version of what happened, both in the conference and afterward.

Indeed, what happened, to the best of our ability to reconstruct it, is that after the Prime Minister came to Parliament and the Premiers went home, the officials of both levels of government got together and decided to apply the *non obstante* clause to Section 28. The government, in this amendment and resolution, has unfortunately accepted the officials' amendment and has not acted on the accord which was reached by 10

of the 11 first ministers when they met here in early November. As a consequence of the change brought to this matter by officials, Section 28 is subject to Section 33. A limit is placed upon the equality of male and female persons which was not explicitly intended to be so placed by the 11 first ministers of Canada when they met in conference in November in the capital of the country.

In recent days there has apparently been some dramatic shifting of opinion on the question. In one case, we learned that at least one Premier had not been informed of the exact nature of the work being undertaken by his officials and the position being ascribed to his government by his officials. My colleague, the hon. member for Kingston and the Islands (Miss MacDonald), brought that matter directly to the attention of the Premier of Nova Scotia. I should say, in passing, that the hon. member for Kingston and the Islands did so at her own initiative and that of her party and, without the benefit of advice from the government, brought that to the attention of the premier of the province of Nova Scotia. When he understood what was at issue, he immediately indicated his willingness to have Section 28 stand without limitation and expressed his willingness to associate himself, along with other Premiers and certainly along with his party, with the idea of the equality of treatment of male and female persons. Therefore, that changed.

We are not sure what is happening in the province of Saskatchewan. At last report, the New Democratic Premier of the province of Saskatchewan, that spokesman for rights in that party of rights, was proposing to trade rights for rights.

An hon. Member: Don't go so low.

Mr. Clark: "Do not go so low," someone suggests from the New Democratic benches. If those hon. members are interested in speaking for principle, let me suggest that they get up from the House, suffer the loss of hearing a few minutes of my speech, call Roy Romanow, call Allan Blakeney, and tell them to stop playing games with rights and to give us unanimous agreement so that male and female persons can be treated equally under the constitutional proposals.

Some hon. Members: Hear, hear!

Mr. Clark: I want to deal with the substance of what we are proposing. The substance of our amendment guarantees that men and women will have equal access to the rights and freedoms set out in the Charter of Rights and Freedoms proposed in this resolution. Some of those rights and freedoms will already be limited by the application of Section 33. However, where they exist they will exist absolutely equally for women and for men. That is the purpose of the amendment I am introducing, seconded by my colleague, the hon. member for Kingston and the Islands. That is an amendment which I hope will commend itself to this whole House, so that this whole House can go on record as supporting the guarantee of equal treatment of male and female persons in Canada.

Some hon. Members: Hear, hear!