

*Statute Law Amendment Act*

Justice. There are a number of other Government initiatives also under way to amend other laws which might conflict with the Charter. In the past Canadians have become increasingly concerned with the protection of rights and freedoms. It is for this reason that I think it is very important that the people of Canada work together to ensure that the Charter forms an integral part of our laws.

A major part of this endeavour is the discussion paper on equality issues. It is a great honour for me, as a new Member of Parliament, to have been appointed to the House of Commons subcommittee on Justice and Legal Affairs which will be reviewing and discussing equality issues in this great nation. Equality is a fundamental goal in Canadian life. The Government is committed to eliminating any discrimination in legislation and policies that could prevent Canadians from moving toward equality. The discussion paper is a step toward attainment of that goal.

The Government considers it most important that we have the widest possible consultation with the people of Canada. This committee can and should be used on a platform by all concerned groups to tell parliamentarians how they want our laws to be changed. Before making firm proposals the Government needs to know the views of Canadians on all the issues.

Ours is a free and democratic society as described in Section 1 of the Charter. There must be an opportunity to advise on the way the equality rights of Section 15 are applied. It is important that we raise the broad issues on which policy decisions, once made, will have an impact on many statutes in this country. Section 15 reinforces the responsibility that governments have to shape laws, policies and programs to the goal of equality. But I submit that equality cannot be achieved by government alone. Individuals and groups must promote this equality through their dealings with each other.

● (1125)

[Translation]

Subcommittee consideration of Canadian Charter of Rights and Freedoms Section 15 will give the people of Canada an opportunity to have their say and express their views in connection with the practical implementation of those basic rights and freedoms, including equality before and under the law, equal protection and equal benefit of the law. Inequality may derive from the law itself as well as from the way it is administered.

[English]

This is the first initiative, to ensure that federal laws are in conformity with the Charter.

The task of reviewing federal statutes is an enormous one and issues can be missed. As courts interpret provisions of the Charter in specific cases, changes may be necessary in federal laws that are under review.

The issues raised in the discussion paper involve difficult legal policy choices where the views of reasonable peoples may differ. It is not clear that these provisions are contrary to the

Charter. To assist the Government and make the appropriate policy choices, public consultation is essential.

No doubt some equality measures will be dealt with in the same manner as other Charter rights as they come up and the courts make decisions on issues presented to them, but I think it is understood that protecting human rights in law is not something that can be done once and for all.

[Translation]

To the extent that our laws deal with equality, we want to know what kind of experiences people have had with them. Many of these questions have already been studied, but few solutions were proposed, a situation we hope to remedy.

This process is the best assurance that changes will reflect more than the views of public officials or the opinions of politicians. This House committee will listen to representations from every region of Canada.

[English]

There are many topics which will be open for discussion with Canadians. Among those distinctive areas where people may be experiencing some inequality are age, sex, race, citizenship, marital and family status, to name a few.

Age-based distinctions are common not only in our society but throughout the world. The rationale for many of these distinctions originates in the earlier times and in different societies. Most age distinctions are made with respect to youth and the elderly in Canada. Hence, we have an age of majority and the age for mandatory retirement. As such, age distinction in Canadian society must be re-examined to determine if they are justifiable in today's society. There are other statutes that contain age distinctions and I know that these will also be considered by the House.

Section 28 of the Charter stipulates that Charter rights are guaranteed equally to men and women. Any distinctions made on the basis of sex must be examined carefully to determine if they result in adverse consequences which cannot be justified.

● (1130)

Mental and physical disability are enumerated grounds in Section 15 of the Charter. In recent years Canadian society has become more aware of and concerned about the treatment of disabled persons. The Canadian Human Rights Act prohibits its discrimination on grounds of physical or mental disability. It is entirely possible that an assessment of reasonable limits under the Charter will consider factors similar to those used under human rights legislation.

Human rights legislation in all jurisdictions in Canada identify race as a prohibited ground of discrimination. However, Section 25 states that the guarantees in the Charter of certain rights and freedoms—

—shall not be construed so as to abrogate or derogate from any aboriginal treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada—

[Translation]

Section 15 applies as well to the Immigration Act and the Citizenship Act. Two basic questions come to mind concerning