

*Statute Law Amendment Act*

quite simply that Canadians wanted their rights enshrined in the Constitution. It was recognized at the time that full equality was not a reality in this country. In a great many cases only lip service was paid to the concept.

We wanted a Charter because we as a nation believe in freedom and equality and we believe profoundly in justice. The Charter is merely an affirmation of that fact. It is a statement of principles entrenched in our most basic law. It is intended to protect individual rights and freedoms each and every day as part of a living, breathing constitutional document.

As Hon. Members know, when the Constitution Act was proclaimed in 1982, the implementation of this part of it was delayed for three years. That was one of the political compromises that was necessary in order to entrench the Charter of Rights and Freedoms in our Constitution. April 17 of this year could be a more historic and momentous day if the Government opposite would take the definitive action necessary to ensure that full equality becomes a reality in this country.

The implementation of Section 15 attests to our full maturity as a free and democratic nation. The words of Section 15 form the core of one of the most significant parts of the resolution, a part that former Prime Minister Trudeau called the people's package. Canadians have cause to be proud of this Charter because it is indeed one of the best in the world. It is the legacy of Mr. Trudeau, a testament to his political courage and determination.

Much more could have and should have been done by this Government to enshrine full equality in the laws of Canada. There was a great deal of hope and anticipation on April 17, 1982 when the constitutional resolution was proclaimed by the Queen. We all recall that very momentous and historic day.

I sense none of that same mood as we approach the date for the proclamation of equality rights. At the end of three years, Canadians were expecting the federal Government to present a Bill containing the necessary amendments to the laws that fail to comply with the provisions of the Charter. What Canadians expected and what the Government is offering through Bill C-27 are two different things. Many laws, both provincial and federal, still to this day contravene the equality rights provisions contained in Section 15.

In some respects, the foot dragging on equality rights on the part of the federal and provincial Tories should not come as a surprise. As I indicated previously, five of the Tory provincial Governments opposed the constitutional resolution and fought against it tooth and nail. Sterling Lyon of Manitoba was particularly adamant that there should be no constitutional guarantees of any rights whatsoever. There were many supporters of his point of view among Conservative Members of this House, many of whom are still here today. I take comfort in the knowledge that *Hansard* faithfully recorded their remarks. Indeed, it must be difficult for these Members who opposed the Constitution to witness their own Tory Government carrying on where Mr. Trudeau left off with respect to enshrining equality rights provisions, albeit the Government is

carrying on meagrely and modestly, as shown by this proposed legislation.

We all know that the dinosaurs within the Tory caucus were brought into line once a deal had been struck with nine of the ten provinces. One of the aspects of that deal between the federal Government and the provincial Governments was the three-year delay. Those Governments are continuing to procrastinate and delay. Where there should have been substantive measures put forward, we have a Bill that falls desperately short of the mark. Bill C-27 falls far short of what is necessary in order to guarantee full equality in the Constitution. The Bill constitutes an exercise in language reform rather than a true application of the spirit of the Charter.

The policy questions that were raised in the document entitled *Equality Issues in Federal Law* are the policy questions that should have been decided by the Government. This legislation does not address age discrimination as it relates to mandatory retirement or sexual discrimination as it relates to pension contributions for women in the Public Service. It does not address the issue of whether requirements relating to the length of employment or maternity benefits under the Unemployment Insurance Act should remain greater than requirements for regular benefits. It does not deal with the issue of whether combat roles in the Canadian Armed Forces should be open to women. It does not address the question of whether mental or physical disability ought to be a bar to immigration in some circumstances. It does not come to grips with whether native Canadians should remain effectively excluded from participation in the Canada Pension Plan because participation is tied to income as defined in the Income Tax Act and earnings on a reserve are non-taxable. Bill C-27 does not deal with whether persons should continue to be excluded from the Canadian Armed Forces on the basis of their sexual orientation.

There are many, many unresolved issues in many areas of discrimination based on race, ethnic origin and physical disability that remain completely untouched by Bill C-27. In many respects, April 17, 1985 will be a sad day for justice and equality in this country.

The Government could have corrected the inequities and injustices that continue to exist in our free and democratic society. It could have dealt with bigotry and racism a body blow. It could have told the provinces to bring their legislation into line and it could have led by example. Instead, it has left all of the tough decisions out of Bill C-27. It has put them off into yet another subcommittee and discussion paper for further review and further public hearings.

I was not present in the House three years ago as were many Members opposite. They know about the many hours of debate that took place with respect to the Constitution and the Canadian Charter of Rights and Freedoms. They know and will remember well representatives of dozens and dozens of different organizations coming to Ottawa to make their views known. Now the Tories want to repeat a significant portion of that process. The purpose of this exercise is questionable but we all know what the results will be. The results will be more