

Constitution Amendment, 1987

that following a change of Government a new player can come in and change the rules. I guess one would accept in a federated state like we have that the word of one province has to be accepted. If it so happens that following an election the disposition of that province is not the same, there nevertheless has to be an acceptance of the previous decision, especially on constitutional matters. What the Hon. Member is alluding to is to be found in Part VI which says:

A constitutional conference composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada at least once each year, commencing in 1988.

It goes on to explain that the conferences will have on their agenda Senate reform, including the role and functions of the Senate, its powers, the method of selecting Senators and representation in the Senate, fisheries, and so on. I take it that if these Premiers met, following the decision of the provincial legislatures and this Parliament, the deal would be binding until subsequent meetings change it.

Hon. Barbara McDougall (Minister of State (Privatization and Regulatory Affairs)): Madam Speaker, I am very proud to take part in this historic debate in support of the Meech Lake Accord. The accord recognizes formally and by way of celebration what has always been implicitly accepted: Quebec is an integral part of Canada and yet a distinct society among us.

For women, Quebec's struggle for recognition of its distinctiveness holds special relevance because women have also laboured long and hard for recognition of the distinct role they play in society. The gains that women made through the equality provisions of the Charter in 1982 were not just the result of hard lobbying which took place over a short period of time, but the culmination of decades of consciousness-raising, achieving inner strength, and personal and public credibility.

Some women still have fears that hard-earned gains can disappear with one stroke of the pen. That is a sign that we as a society are still a long way from true equality. There are still two levels of comfort in this country, one for men and one for women. However, change has begun. It must begin someplace. The process is well under way.

[Translation]

However, any change must reflect honest intentions and good faith, otherwise all ideas, words, arguments and systems are futile. Are our intentions honest? Yes, undoubtedly. Is there real good will toward Canadian women? Yes, more so than ever before in the history of our country. Is that the end of the struggle? No, because some prejudices, either real or imagined, still persist in our society.

[English]

But is there progress—considerable and without question. The spirit that enables us to solve the problems of Quebec, distinct yet part of Canada, is the same spirit which looks to erase the other inequities that exist in our society.

Our Government has been and continues to be committed to equality for women, not only in word but also in action. It is unthinkable, therefore, that in accepting the constitutional Accord we would in any way diminish the important rights that the Charter established for women.

The Constitution is the property of all Canadians, men and women. It is open to all. It is a living document. Its life comes not from politicians or from the courts but from the people. No politician today would tamper with the hard-earned rights of 1982 and 1987. Nor would Canadians tolerate regressive action by future leaders. We, as elected representatives in this Chamber are only part of the process and the vigilance which must continue if women are to achieve true equality. This vigilance must carry over into our courts, our factories, our schools and our homes.

As Minister responsible for the status of women, I am very pleased that Canadian women took such an active part in the debates surrounding the Accord. Indeed, among the most distinctive features of the hearings of the special joint committee were the presentations made by many women's groups which amounted to over 10 per cent of the total testimony. Their arguments were complex and thoughtful.

It was concern about a perceived threat to equality rights that brought women before the special joint committee. They raised questions about the potential of the Accord's language duality-distinct society clause to override or supersede the rights guaranteed in the Charter, particularly the sexual equality rights. Women had no argument with the new measures that would welcome Quebec formally into the Canadian federation, but rather the possible creation of a new balance of rights and freedoms that could be used to the detriment of Canadian women.

This question had not been taken lightly by First Ministers. In drafting the constitutional Accord they devoted a great deal of attention to Charter rights. They had a lengthy discussion of the relationship between the rights found in the Charter and the recognition of Quebec's distinct society.

After all is said and done, some controversy may still linger, but it is based on complex legal interpretations rather than on errors. The First Ministers' decision to include the language duality-distinct society clause was based on legal advice that such an amendment would not override the Charter of Rights. It would not allow Quebec or any other province to enact laws that could override the Charter or be immune from Charter scrutiny by the courts. All federal and provincial laws and other government measures would still remain subject to Charter review, federal and provincial human rights legislation, public opinion, and the general democratic process which we must not underestimate.

● (1600)

Charter rights such as equality rights are substantive rights. Interpretation clauses such as the distinct society and recognition of multiculturalism and aboriginal heritage provisions