

er, the Chairman of Ways and Means, Members of either House of Parliament and judges of the superior courts of the United Kingdom, including persons holding the position of a judge, such as a judge in a court of bankruptcy and a county court, or a recorder. These matters cannot, therefore, be raised by way of amendment, or upon any motion for adjournment. For the same reason, no charge of a personal character can be raised, save upon a direct and substantive motion to that effect.

If the Hon. Member's application were to be accepted, it would result simply in a debate on the adjournment of the House and not in a decision on the allegations relating to the conduct of a Member. All of the precedents are clear and require that when the conduct of a Member is the subject of a debate there must be an opportunity for the House to come to a decision.

I am, therefore, duty bound to refuse the application as it does not meet the requirements of either the Standing Orders or of our practice in such matters.

---

## GOVERNMENT ORDERS

[Translation]

### OLD AGE SECURITY ACT

#### MEASURE TO AMEND

The House resumed consideration of the motion of Mr. Epp (Provencher) that Bill C-26, an Act to amend the Old Age Security Act, be read the second time and referred to the Standing Committee on Health, Welfare and Social Affairs.

**Mr. Jean-Robert Gauthier (Ottawa-Vanier):** As I was saying, Mr. Speaker, before the House rose for lunch, I welcome this opportunity to take part in the debate on second reading of Bill C-26, legislation that will extend eligibility for the spouse's allowance to all widows and widowers between the ages of 60 and 64, who are living on low incomes, regardless of the age of their spouse at death. Mr. Speaker, this measure will benefit 85,000 Canadians, and I am truly delighted, and you may be sure that I shall be voting in favour of this motion.

[English]

As a Member of the Liberal Party which founded the spousal allowance, I support the legislation before us which extends benefits to widows and widowers. Unfortunately, this support is qualified. I am very greatly disappointed in the impact of this Bill. There are 80,000 deserving Canadians who are separated, divorced, or have chosen not to marry, and who are excluded from this extended coverage. In our day-to-day work in our constituencies we meet many of these poor people, most of whom are women, who in my view are being discriminated against because they are poor, have never married, or are divorced or separated.

I listened to some of the debates this morning. In my view this Bill could have legal implications under the Charter of

### Old Age Security Act

Rights which we adopted in 1982. Section 15 of the Charter which will become operative in April of this year states:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

● (1510)

The operative phrase here is "and, in particular". Since it does not mean that it is exclusive, I suggest that the Government is indeed including the extra condition of not being married as a measure of discrimination. I have been advised by some of my legal friends that indeed this could be in conflict and that we could possibly go back to Section 1 of the Charter which states that Canadians are subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

If this is not a legal discrimination then it is a moral discrimination. It is immoral to exclude 80,000 Canadians who have worked hard and happen to be poor through no fault of their own. The Conservative Government missed a golden opportunity for meaningful reform when it introduced Bill C-26. We know how the Government has wallowed in indecision since November 4 and the legislative progress made in the House speaks for itself. I suggest we have not accomplished much important legislative work and are having difficulty trying to improve this Bill.

The Conservatives have shown that they are genuinely concerned about the plight of those Canadians whom they believe are deserving and in need. I suggest to the Government that it should consider the other 80,000 Canadians who are excluded from this legislation because of their circumstances. The fact of the matter is that a 63-year old separated or divorced woman must pay the same rent as a 60-year old widow. She must pay the same food costs and the same utility bills. If she is poor she cannot cope with that situation. The Income Tax Department does not treat Canadians differently because they are widowed or separated or have never been married. The Member for Shefford (Mr. Lapierre) gave us the example of nuns who have decided not to marry and will be discriminated against if, for some reason, they decide to leave the convent between the age of 60 and 64.

Despite my Party's support for the Bill as an incremental step toward the equitable application of our social programs, I regret that this legislation discriminates on the basis of marital status. There are many people in the riding of Ottawa-Vanier who are between the ages of 60 and 64 and, because of the nature of the city, were public servants. They worked for a salary which was next to the poverty level. I do not think it is fair to expect them to go on without being allowed to participate fully in our social programs.

The Liberals never said that our social programs were perfect. That is why when we made changes, we made real changes. We did not simply try to patch the program as the Conservatives are doing in this case. The programs have changed to meet the needs of Canadians. Now it is time to meet equally the needs of equal Canadians.