

Statute Law Amendment Act

particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.

That will become law on April 17. At the Constitutional Conference of 1982, as a result of compromises and considerable conflict resulting from the compromises, it was decided to put off the implementation or proclamation of Section 15 for three years. This was in order to give the federal Government and the 10 provincial Governments the opportunity to audit their respective legislation and there was the understanding that that legislation would be brought into conformity with Section 15 of the Canadian Charter of Rights and Freedoms.

What has happened, Mr. Speaker? You are aware, Mr. Speaker, that there were certain Conservative provincial Governments that fought tooth and nail for the entrenchment of rights and freedoms in the Constitution. Those same Governments are continuing to procrastinate and delay and are doing everything in their power to obstruct the implementation of this section.

Specifically, what have the provinces done since 1982? We know the province from which I come, Ontario, which has a Conservative Government for a few short weeks longer—

Mr. Shields: You dreamer.

Mr. Nunziata: —has put together a 400 page document. Has that province taken definitive action? No, Mr. Speaker. The Ontario Government has not amended its legislation to conform with the Charter of Rights and Freedoms. It will be a long time before we get some definitive action out of that Government as long as it continues to be the Government of Ontario.

What has Quebec done? Quebec claims a blanket exemption from the Charter of Rights and Freedoms for all of its laws because of certain conflicts that existed at the time, and Hon. Members are aware that Quebec was not part of the constitutional accord.

Much to the credit of the Province of New Brunswick, that province has passed a law to eradicate the worst clashes between provincial laws and the Charter. I am proud to say that Government has taken definitive action and it was supportive of the Charter right from the start.

Mr. Valcourt: That was Premier Hatfield.

Mr. Nunziata: What is happening in Alberta, Newfoundland and Saskatchewan? Precious little is happening in those provinces. All they are doing is what this federal Government is proposing, and that is to encourage further debate on this important subject.

What has British Columbia, Manitoba, Nova Scotia and Prince Edward Island done? Those Governments have done absolutely nothing. This suggests to me and to the people of Canada that those Governments are not sincerely interested in or concerned about equality rights in Canada.

What has the federal Government done? As I indicated previously, the previous federal Government initiated an audit of the approximately 1,100 federal statutes in order to deter-

mine the extent to which those statutes would contravene the Charter of Rights and Freedoms. It was the intention of the previous Government to make the tough decisions and to implement the laws that would change the old laws to bring federal legislation in conformity with the Canadian Charter of Rights and Freedoms.

Unfortunately for the issue of equality in this country, the Conservative Government came to power on September 4 with an overwhelming majority, with a mandate from the Canadian people to make decisions, with a mandate from the Canadian people to provide the leadership that they were promised. What do we have, Mr. Speaker? We have a total lack of leadership with respect to the issue of equality rights in this country. This Government has opted basically to do nothing. This Government has opted to force the minority groups, the women, the visible minorities, the young, the disadvantaged and the disabled to fight their battles again when all these groups in 1982 came forward and fought. They fought hard. They got their Charter of Rights and Freedoms. They thought the battle was fought and won. They thought the wounds of discrimination that have existed for so long were beginning to heal. They thought that discrimination was coming to a rapid and quick end. What has happened? This Government is intentionally reopening those wounds of discrimination. This insensitive Conservative Government is forcing those groups, the women, the visible minorities, the disadvantaged, the young, the old and the Indian groups to come forward and fight their battles again. That is totally unfair.

● (1610)

I agree wholeheartedly with my colleague from York Centre (Mr. Kaplan) who said to those groups that this Government is not interested in the issue of equality. If you want to ensure and protect your right, Mr. Speaker, you must go to court and let the courts determine what equality means. Let the courts define what Section 15 means.

Those people have been provided with no alternative. This Government is continuing to procrastinate on these very fundamental and very important issues facing the country. The sad part is that the Government is forcing these people to litigate, which is not a desirable consequence. We, the 282 elected Members of Parliament, should be making the decisions, not the courts of law. We represent all the good people of Canada and we should be the advocates of civil rights, human rights and equality. We should protect the minority groups. It is the 282 individuals in this House of Commons who should be making the decision, not having the courts defining Section 15 in a purely legalistic manner.

These people have no option but to go to court. There is no option but to have a court of law make a decision to interpret equality in their particular case based on a particular set of circumstances. What makes matters worse is that the Government refuses to establish a fund. It will not put money aside to assist these people, who for the most part are not affluent, so that they can litigate.