

but he has deliberately avoided them. Why, for example, as I suggested earlier, has he chosen a modified Victoria formula when the Vancouver consensus was accepted by all? I suggest this is confrontation for the sake of confrontation. I am wondering whether, in fact, having courted and invited rejection by the premiers, he is inviting rejection by Westminster in order to say "Ha! I told you, you are just a bunch of colonials. I will write your constitution for you and I will make this a republic", as he said he wanted to do when he spoke to the students in Montreal. Thank you, Mr. Speaker.

Miss Aideen Nicholson (Trinity): Mr. Speaker, in joining the debate on this motion I feel I am taking part in a very important step forward for Canadians.

Those who drafted the British North America Act of 1867 produced a wise and far-seeing document, but much has happened since then and, as contemporary Canadians in a fast moving world, we are influenced by events which the Fathers of Confederation could not have foreseen. Clearly, the majority of Canadians now wish to have a constitution made in Canada for contemporary Canada and which can be amended in Canada.

In fact, on May 9 of this year the House of Commons approved unanimously a motion proposed and seconded by two Conservative members from western Canada which called on Parliament to submit an address to Her Majesty the Queen requesting "that Her Majesty may graciously be pleased to cause a bill to be laid before the Parliament of the United Kingdom to provide for the amendment in Canada of the Constitution of Canada".

We may differ sincerely and profoundly on the division of powers, on an amending formula or on the process but, quite clearly, there is agreement on patriation itself. The resolution before us aims at patriation with conditions on which there is now a fair measure of agreement. The present resolution does not change the division of powers; it gives no additional powers to any level of government, but it does enhance the rights of individual citizens.

The British North America Act of 1867 recognized Canada's linguistic and cultural duality; 60 per cent of Canadians then were of British origin and 30 per cent of French origin. Since then we have seen major changes in our population. In 1971 some 44 per cent of all Canadians were of British origin, 29 per cent of French descent and 27 per cent were of other ethnic backgrounds. This 27 per cent represented more than five million Canadians living in all ten provinces. Today, approximately 30 per cent of the population of Canada is composed of Canadians of neither French nor Anglo-Celtic extraction.

The policy of multiculturalism announced by the Prime Minister (Mr. Trudeau) in 1971 recognizes the equal contributions of all Canadians as nation builders. In 1971 the Prime Minister said:

National unity, if it is to mean anything in the deeply personal sense, must be founded on confidence in one's own individual identity; out of this can grow respect for that of others and a willingness to share ideas, attitudes and assumptions. A vigorous policy of multiculturalism will help create this initial

confidence. It can form the base of a society which is based on fair play for all... A policy of multiculturalism within a bilingual framework is basically the conscious support of individual freedom of choice. We are free to be ourselves. But this cannot be left to chance. It must be fostered and pursued actively. If freedom of choice is in danger for some ethnic groups, it is in danger for all. It is the policy of this government to eliminate any such danger and to safeguard this freedom.

Every one of us or our ancestors emigrated to this country and together we have created a unique society, a society benefiting from the sharing of our many cultures, traditions and backgrounds. It is fundamental to the growth and success of this country that we live together in a spirit of mutual respect, understanding and equal opportunity for everyone, no matter what our race or background. That is why I consider the enshrining of the charter of human rights in the constitution essential.

Some have argued that fundamental rights are well protected by our unwritten traditions of freedom and by the legislation of provincial governments. At the beginning of this debate we heard from the Minister of Justice (Mr. Chrétien) some of the compelling arguments which the Canadian Bar Association has advanced in favour of enshrining a charter of rights in the constitution.

The rights and freedoms in the motion before us include not only human rights such as freedom of conscience and religion, freedom of thought and expression, freedom of the press, freedom of peaceful assembly, but also democratic rights—the right to vote and to stand for office regardless of race, national origin, colour, age or sex.

As late as 1909 a member of the House of Lords in England described as "momentous and far-reaching" the constitutional change involved in considering a woman eligible to vote.

[*Translation*]

Until the privy council of England made a ruling in the famous case known as the "persons" case, women were considered under the constitution to be incapable of taking part in public life.

In 1905, the superior court of British Columbia ruled that a woman was not a person qualified to become a lawyer in that province.

In 1915, in Quebec, during the proceedings launched by a woman who wanted to be admitted to the Quebec Bar, the judge stated that to admit a woman to the profession:

—would be nothing less than a crime against public order and an obvious breach of morality and public decency.

In 1928, five Alberta residents sent a petition to the government asking that the superior court rule on whether women were "qualified persons" to be appointed to the Senate under the provisions of section 24 of the British North America Act.

The Supreme Court of Canada rejected the concept that women were persons, but the case was appealed before the legal committee of the privy council of England. The privy council accepted the concept and the constitutional law now includes a provision to this effect.