

it is an amendment of Bill C-53 in which child pornography was removed by the Opposition. I do not yet know what the real reason was behind that. But if we are going to clear the record, I want this to be on the record. As far as the equality clause in the Charter of Rights and the Positive Action Program is concerned, I want the women of this country to remember that this law was introduced by a Liberal Government, and I am proud to be a Member of this Government.

Miss MacDonald: Mr. Speaker, I have two questions for the Hon. Member. The first is with regard to a question I posed in the House, both to the Minister of Indians Affairs and Northern Development (Mr. Munro) and to the Prime Minister (Mr. Trudeau), which I did on two occasions. I asked whether or not the Government would bring in an immediate amendment to the Indian Act, which would be supported on this side of the House. Both the Prime Minister and the Minister of Indian Affairs and Northern Development refused. What did the Hon. Member do in that case when the request to make that change all in one day was turned down?

Second, since the Hon. Member has said that the Government of the day was responsible for Clause 28 in the Charter, does she not remember that that Clause was not in the original Charter of Rights? It was proposed first by the New Democratic Party, supported by this Party. It was then questioned at the time of the First Ministers' meeting in October, 1981. Clause 28 came back to the House and the Prime Minister was asked whether or not the override power pertained to it. He did not know the answer. On November 2, 1981 the Prime Minister was asked that question. Responding to the Right Hon. Member for Yellowhead (Mr. Clark) on November 6, 1981, the Prime Minister said, "I have conferred with my officials and we have decided that this Clause is subject to the override power." It was the Prime Minister of Canada who took away the right to equality that had already been given to women in this country. It took an amendment from this side of the House, moved by the Right Hon. Member for Yellowhead and seconded by myself, to reinsert it in the Constitution of Canada. Is the Hon. Member for Montreal-Mercier (Mrs. Hervieux-Payette) denying that is what took place?

Mrs. Hervieux-Payette: Mr. Speaker, with regard to the Indian women and the amendment to Section 12(1)(b), I would like to submit respectfully to the Hon. Member for Kingston and the Islands that it is not only a matter of amending Section 12(1)(b), it is a matter of giving rights to women and children. It is not just making an amendment and removing that provision. Over 20 Orders in Council have been passed for several bands in the country who have requested that amendment. It is already in force.

As far as removing Section 12(1)(b) is concerned, every band in this country has been advised what can be done. The Hon. Member was signing the document when we requested that from the bands. It can be done. The Hon. Member is willing to have a paper signed by all Members of her Party as well as Members of the NDP so that not only will we remove Section 12(1)(b) from the law but that we grant the rights. Of

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course, it would be done with the money and the additional funding needed to make sure that these rights can be exercised on the reserves. I will support that, and I am sure the Whip of our Party will support that.

As far as the equality clause is concerned, I would just like to remind Hon. Members that if the Bill were changed over the time, very often it was changed as a result of negotiations with the Provinces. I would like to remind the Hon. Member that regardless of whether or not one article was there one day or the other, I remember sending telegrams to Mr. Blakeney asking him to give rights to the women of this country.

Miss MacDonald: The Prime Minister (Mr. Trudeau) is the one who made the decision.

Mrs. Hervieux-Payette: To my great regret we have to live today with a notwithstanding clause, and that clause is there because of the Provinces. It will be there for a long while. If the Hon. Member wants to convince somebody that we have acquired rights, I will not enter into debate on whether that was done by the Government or by some amendment. I will just say it is there. Now we need a withstanding clause. We can go one step forward and instead of debating the merit of whom did it, let me say that first the Charter of Rights was there, which was introduced by our Government, and that the Hon. Member was doing her job when she introduced an amendment.

[Translation]

Mr. Kilgour: Mr. Speaker, I have three questions to direct to the Hon. Member for Montreal-Mercier. First of all, is she for or against the pornographic and violent movie "Videodrome", in which the government has invested quite a large amount of money? Second, is she for or against what First Choice is doing with Playboy's program? Third, following the many meetings she has had with me and other Hon. Members, she must be perfectly aware that pornography is one of the major reasons for the somewhat large number of teenage prostitutes; I am told that there are some 5,000 of them—that is an estimated figure—on Montreal streets alone; is she in favour of doing something to stop the current trend? As proposed by this side of the House, the idea would be to put an end to the situation which has developed since the Westendorp and Hutt decisions.

Mrs. Hervieux-Payette: I have not seen the "Videodrome" movie, Mr. Speaker. My position concerning pornography is well-known, and I suggest to the Hon. Member that if the right definition of pornography had been applied by our law enforcement authorities, something he knows quite well as a lawyer, we would not be faced with the current crisis. If it is now an offence under the Criminal Code, he knows full well that the Attorney General can file complaints and that legal proceedings can be started. As it happens, the people with a rather accommodating conscience who so far have had the last word in defining pornography will not get away with it. That is why, Mr. Speaker, we intend to take action with respect to First Choice. As for the "Playboy" films, I have not seen them