

*Indian Affairs*

• (2:40 p.m.)

I just want to take a moment to put in its proper perspective what the position is in regard to the Bill of Rights. Section 1 of the bill says:

It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex—

The Bill of Rights confirms that all individuals, whatever their sex may be, are equal. If the Lavell decision makes any sense surely it is because it decides for the first time in Canada that all men and women are equal and that men of all colours are equal in Canada. This, of course, is the first premise of the Bill of Rights.

**Some hon. Members:** Hear, hear!

**Mr. Woolliams:** Section 1 of the Bill of Rights must be read in conjunction with section 2 which reads as follows:

Every law of Canada shall, unless it is expressly declared by an act of the Parliament of Canada that it shall operate notwithstanding the Canadian Bill of Rights, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgement or infringement of any of the rights or freedoms herein recognized and declared—

I have already set out what the freedoms are as far as this matter is concerned. It seems very strange to me that this government and this minister would want to use the taxpayers' money to enter an appeal on a question of social justice, real justice, when we have for the first time a ruling establishing equality between the sexes and equality as far as race and colour are concerned.

In brief, the Federal Court ruled that an Indian woman cannot be deprived of her rights because as an Indian she married and romanced a non-Indian. Apart from the Drybones case this is the first time a Canadian court has applied the 11 year old Bill of Rights to the issue of sexual equality or sex equality. The trial judge was reversed by the appeal court which has delivered a judgment tempered with justice, natural justice and social justice, ending once and for all the discrimination between sexes and above all between all colours, races and religions. It is therefore most surprising that the government has taken this attitude.

When the appeal goes before the Supreme Court of Canada I hope the Minister of Justice will see to it that the respondents receive money from the treasury of Canada so they can afford the best counsel, the best kind of evidence and put forth the best kind of argument for social justice, equality of the sexes and equality for people in Canada irrespective of race or colour.

**Mr. John Gilbert (Broadview):** Mr. Speaker, in 1961 when we passed the Canadian Bill of Rights the philosophy behind it was equality of all persons regardless of race, religion or sex. After waiting for ten years I am sure that Indian women must have considered that this law of equality did not apply to them.

Taking into account that many of the provinces have passed legislation with regard to discrimination in employment and housing and other matters it rather surprises us in the New Democratic Party that the Minister of Justice did not act earlier with regard to this serious problem. Surely it could have been solved many years ago by making a simple amendment to the Indian Act. This

[Mr. Woolliams.]

would have avoided not only the appeal to the Federal Court of Canada but also the appeal to the Supreme Court of Canada. The Minister of Justice still has time to bring forth legislation to amend the Indian Act and to give Indian women an opportunity to appear before the Standing Committee on Justice and Legal Affairs to state their views with regard to the provisions of that act.

Regardless of the decision of the Supreme Court of Canada, I hope the Minister of Justice will take the initiative and amend the Indian Act. Not only should he do that but he should follow the recommendations set forth in the report of the Royal Commission on the Status of Women and bring forward other legislation concerning discrimination in other fields that is affecting women across Canada. This approach would be much better than to undergo the delay that will be caused by the appeal to the Supreme Court of Canada.

[Translation]

**Mr. René Matte (Champlain):** Mr. Speaker, like the hon. members who spoke before me, I too have doubts that it should be necessary to go through the Supreme Court to apply a basic principle of human rights.

I should merely like to point out that this is an example of the difference that often exists between theory and practice. In the Bill of Rights, the rights are expressed in theory, but the vast majority of the Canadian people doubtless are not aware of the discrimination that exists, even though human rights should normally be recognized. Consequently, the laws applied in our land should take this fact into account.

But I still want to make a minor reservation in view of the privileges acquired by the section of the population of Canada comprising Indians and Eskimos. Of course we should not go against the interests of those directly involved, the Indians. I wonder whether that is not the major reason behind the minister's decision to go through the Supreme Court.

Anyway, I am still wondering whether this was necessary. I think the minister could have given us more information and enlightened us more on the present dilemma, which is, whether the Indians themselves would prefer things to be left as they are at present, as was ruled by the Federal Court of Appeal.

Let us hope that all this will promote real freedom in our country, and that we will always—in any legislation—respect the rights of the individual and the community.

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[English]

#### BUSINESS OF THE HOUSE

NOTICE OF TIME ALLOCATION MOTION FOR COMMITTEE OF THE WHOLE STAGE ON INCOME TAX BILL

**Hon. Allan J. MacEachen (President of the Privy Council):** Mr. Speaker, I wish to advise the House that, even though talks have taken place, agreement could not be reached on the provisions of Standing Order 75A or Standing Order 75B with respect to the proposed allocation of sitting days for the consideration of the committee of the whole stage of Bill C-259.