

### MEECH LAKE ACCORD

#### PROPOSED COMPANION RESOLUTION—EXCLUSION OF EQUALITY RIGHTS

**Hon. Lorna Marsden:** Honourable senators, everyone here will have read the companion proposals that have come out as a result of the recent first minister's conference, and in particular the very narrow mandate that has been directed toward the committee that is to define the so-called "Canada clause". That very narrow set of instructions that is to result in a clause that apparently describes our country excludes equality rights. Is that an explicit exclusion, or was it an oversight?

**Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations):** Honourable senators, let me quote for the record the relevant passage from the final communiqué. Under the heading "Constitutional Recognitions" is the following:

The Prime Minister and Premiers took note of repeated attempts by First Ministers over the past twenty years to draft a statement of constitutional recognitions. All such attempts were unsuccessful.

The Prime Minister and Premiers reviewed drafts submitted by the federal government and Manitoba, Saskatchewan, Ontario and British Columbia, and agreed to refer immediately the drafts to an all-party Special Committee of the House of Commons. Public hearings would begin across Canada on July 16, 1990 and a report on the substance and placement of the clause—in a manner consistent with the Constitution of Canada—would be prepared for consideration by First Ministers at their Conference in 1990.

I do not understand why or how the honourable senator can assert that the mandate, given either to the parliamentary committee or, ultimately, to the first ministers for drafting an appropriate statement of constitutional recognitions, is a narrow one. The mandate seems to me to be unlimited. Certainly, there is no exclusion of any of our values, fundamental characteristics and rights in the mandate that I have just read to the house.

**Senator Marsden:** Honourable senators, perhaps the Leader of the Government would table all the drafts to which he refers. However, those people who have been following up and reading those drafts—those that are available—both formally and informally, are assured that equality rights—the section 15 rights of the Charter—are not mentioned anywhere in any document that they have seen. I would be most happy if the Leader of the Government would table the drafts to which he refers and which broaden the mandate.

**Senator Murray:** Honourable senators, the draft, which, on behalf of the federal government, I delivered to provincial governments prior to the first ministers' conference, contained a reference—which I regret that I cannot quote verbatim—to the fundamental rights of Canadians. It was not an explicit reference to section 15, but the meaning of the reference was to the effect that our commitment to the Charter of Rights is a fundamental characteristic of the country, or that we are

united under a Constitution that guarantees those rights. As I say, I do not have the draft in front of me.

**Senator Gigantès:** Maybe the leader—

● (1520)

**Senator Murray:** I did not hear a word of that intervention, which is probably just as well.

**Senator Gigantès:** It would have made the leader's temper a little worse.

**Senator Murray:** Honourable senators, there is nothing wrong with my temper, but I think the honourable senator might take a Valium—or something more pleasant.

**Senator Gigantès:** Unlike some people—

**Senator Murray:** I cannot hear a word the honourable senator is saying.

Whether there is or is not a reference, either in the federal draft that was on the table at the first ministers' conference or in the drafts presented by the Provinces of Manitoba, Saskatchewan, Ontario, and British Columbia that is satisfactory to the honourable senator, the parliamentary committee, and ultimately the first ministers, are not precluded from considering other drafts—and I am sure they will consider many other drafts and many other recommendations for inclusion in a "Canada clause".

**Senator Marsden:** Honourable senators, I am delighted to hear the Leader of the Government say that the committee is not confined to the drafts that are referred to.

**Senator Murray:** Not at all.

#### "CANADA CLAUSE" COMMITTEE—INCLUSION OF EQUALITY EXPERT

**Hon. Lorna Marsden:** That leads me to a second question, which I have been asking in this chamber for a couple of years now.

Perhaps the Leader of the Government can provide satisfaction on this one as well, which is whether this time there will be an equality expert on some committee.

Again and again I have asked the Leader of the Government to tell us who has been consulted and not once have we heard of anyone who could be considered knowledgeable and expert on equality rights, as the cases have been advanced through the Supreme Court in recent months and recent years. May I ask the Leader of the Government who the equality expert will be on the "Canada clause" committee at this round?

**Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations):** Honourable senators, I am sure that all political parties in the House of Commons have members who could be considered equality experts. I am sure that all the parties in the House of Commons will see to it that those members are placed on the special committee, which will begin its work in mid-July.

**Senator Marsden:** Perhaps the leader of the government could tell us who the government will nominate as the expert to sit on that committee.