

Senator Marsden: The idea of pay equity is an important one. It is an old convention that Canada ratified many years ago. December of this year will see the 20th anniversary of the Royal Commission on the Status of Women, which supported and recommended that Canada proceed rapidly with pay equity. The Senate shows no signs of engaging in any kind of pay equity in this body. I wonder if the Leader of the Government in the Senate would like to give us his views on whether or not we should have pay equity for our staff.

Senator Murray: Honourable senators, my views are that the Senate should not find itself behind, but rather ahead, of other bodies in this country on issues of that kind; and certainly the Senate should, it seems to me, conform to the policies that the government has brought forward on this matter with general approval. As to the details of that matter, it should be raised with our friends, Senator LeBlanc or Senator Doody, who are the spokespersons of this chamber for the Internal Economy Committee.

Senator Marsden: Honourable senators, I am delighted to hear the Leader of the Government say that, and I hope Senator Doody will take that to the Internal Economy Committee.

Hon. Senators: Hear, hear!

THE CONSTITUTION

MEECH LAKE ACCORD—LIST OF SUBJECTS TO BE INCLUDED IN PARALLEL ACCORD—RELATION TO CHARTER OF RIGHTS AND FREEDOMS

Hon. Douglas D. Everett: Honourable senators, I have a question for the Leader of the Government in the Senate. To return to the Meech Lake Accord, he says that he has a list of subjects that he feels could be included in a parallel accord. For greater certainty, would that include a provision that would make the "distinct society" clause subject to the Charter of Rights?

Hon. Lowell Murray (Leader of the Government and Minister of State for Federal-Provincial Relations): Honourable senators, we are not in a position to discuss that kind of detail, but the government and the provinces that have signed the accord have explained on many occasions that it is not that there is no question of the interpretive clauses supplanting or overriding anything in the Charter of Rights and Freedoms. We are supported in that view by the great weight of legal and constitutional advice that was given to our own joint committee and to committees in the various provinces over the months.

Senator Everett: But given the controversy that surrounds the "distinct society" clause and the government leader's view that the interpretation of the "distinct society" clause does not override the Charter, would it then not make sense, for greater certainty and to allay the fears that those people have, fears that the government leader says are unfounded, to include in a parallel accord that the "distinct society" clause is in fact subject to the Charter of Rights?

[Senator Murray.]

• (1500)

Senator Murray: Honourable senators, the Charter of Rights is part of the Constitution of Canada, and the Constitution of Canada is the supreme law of the land. I do not see any need at all to put such a stipulation in the Constitution when, in 1982, Parliament and the provinces put interpretive clauses into the Constitution relating to multiculturalism, for example. In other words, a government could invoke multiculturalism in taking some decision and the courts would be obliged to take it into consideration in a Charter case. I do not see anyone being worried about that, and I am not aware that anyone's rights have in any way been abridged by that interpretive clause.

Another point I think I should make, that has been made before here and elsewhere, is that the courts already take into account Quebec's distinctiveness in rendering judicial decisions, as they take into account the distinctiveness that prevails in other jurisdictions in other parts of Canada. Therefore, to place something in the Constitution that would effectively preclude the courts from interpreting the Charter in light of Quebec's distinctiveness would take away from Quebec something that that province now has and would leave Quebec as the only province whose distinctiveness could not be taken into consideration by the courts. Therefore, it is a very complex suggestion that the honourable senator is making and, frankly, one that most people who have considered the matter do not feel is necessary.

Senator Everett: But if it is a complex suggestion, and if Mr. Bourassa and the Leader of the Government in the Senate and several other experts say that it is not necessary to have that in a parallel accord on the one side, and yet you have a body of opinion that says that the "distinct society" clause could override the Charter, then surely what you are trying to achieve by way of a parallel accord is certainty: something that can be relied upon so that people can have the confidence that the government leader has, and Mr. Bourassa has, that there is no danger here to the Charter from the "distinct society" clause.

Therefore, I would have thought that if a parallel accord is the way out of this dilemma, in fact, that would be one of the salient issues to be dealt with in the parallel accord, because throughout Canada the great concern is that very concern.

Senator Murray: Honourable senators, all those who are concerned about the Canadian Charter of Rights and Freedoms should be more concerned about the "notwithstanding" clause that was put into the Constitution in 1982. Those who are concerned about that should perhaps devote their attention to ways in which that clause could be modified or removed. I count on the Honourable Senator Olson, who was a member of the Trudeau government of the day, and Senator Everett and others to make that case in western Canada, whose governments in 1982 were to the forefront in insisting that that clause be made part of our Constitution.

Senator Everett: Honourable senators, I do not intend to prolong this matter, but I must say that I take a different view on that from the government leader in the Senate. I think