

*Human Rights*

than the self-restraint of our federal members of parliament at any given moment, and inapplicable to provincial legislatures. Moreover it is confined to political and personal freedoms; it makes no attempt to protect other human rights, like the right to non-discrimination in employment. Cultural and economic rights are also omitted.

The Prime Minister mentioned past experience as justification for not consulting the provinces. We believe he should have included these principles in the constitution covering only those fields over which parliament has jurisdiction while at the same time urging the provinces to pass enabling legislation, as it were bills of rights in the various provinces, so that in time all Canadians would be covered by the umbrella of federal and provincial legislation. There has been criticism all across the country by individuals, organizations and editors along the lines voiced by the hon. member for Assiniboia (Mr. Argue).

We want the provinces to be with us in working toward the development of legislation enshrining these great historic principles in our constitution and provincial statutes. We intend to support the bill as the first instalment of a program that soon will guarantee to all Canadians their fundamental rights and human freedoms. We hope the bill goes to committee and that the committee will find some inspiration from the debate on second reading. We recommend the amendments we have advanced which will strengthen the language of the bill.

In Great Britain these rights and freedoms have been accepted for centuries based on historic legal documents, tradition, precedence, practice and the spirit of the people. Some ask why, in view of the experience in countries like Great Britain, do we need a bill of rights. I realize no bill of rights is effective without the understanding and support of the people it is intended to serve. However in our industrial society conditions are rapidly changing. You cannot change the total area or volume of the earth. They are constant. You cannot change the total power in the world or in any country. They are constant.

In our industrial society the sources of these powers are changing quickly as a result of the industrial revolution. First, governments require and obtain more and more power to do the things necessary for the people and country. Second, some segments of our economy are obtaining more and more power every year and try to use it. An example was a group of representatives of private power companies of British Columbia who attempted to persuade the Senate to vote for taxation by order in council. These monopolists are becoming stronger and bolder every year. We in this group believe that

in addition to the example provided by the experience in Great Britain and other countries the time has come to enshrine in our constitution the human rights and fundamental freedoms we aim to preserve and extend. The preservation of freedom in any society or in any country, regardless of bills of rights, sections in the constitutions, in the last analysis depends on the spirit of the people and their eternal vigilance and understanding.

In conclusion, Mr. Speaker, I must say we will look forward to the report of the committee that will study this most important bill and at that time we will take advantage of the opportunity to express our opinions on the committee's report.

**Hon. George H. Hees (Minister of Transport):** Mr. Speaker, I rise to clear up a matter which was raised this morning by the hon. member for Laurier (Mr. Chevrier) who accused my department of doing something incorrectly by order in council. The hon. member suggested that I had been responsible for an improper action in that an order in council under the Aeronautics Act had been passed to circumvent the air transport board. This is a complete misunderstanding both of the facts and of the law. The suggestion that this order in council was passed in order to make it unnecessary for a finding of public convenience and necessity to be made is incorrect.

The removal of the requirement for a finding of public convenience and necessity by the air transport board with regard to all classes of service, other than scheduled services, was, in fact, made under the Aeronautics Act by the previous administration in 1954, on the recommendation of the transport board. I would refer the hon. member to the commercial air service's regulations, P.C. 1954 2032, in section 6, subsection 1, which substituted a finding of public interest for all services other than class 1 scheduled services. The further amendment in January by P.C. 1960 65, was made, in fact, on the recommendation of the air transport board, and restated this position, namely the need for a finding of public interest in lieu of public necessity, but removed from this aircraft charter services in groups B and C, medium to light aircraft, so that the board on its own recommendation was not required in these classes of service to make a finding of either public necessity or public interest; that is, no particular finding need be made in regard to these categories of licence, class 4, groups B and C. This change, on the recommendation of the air transport board, was made quite properly under section 13 of the Aeronautics Act.