

Criminal Code

ing upon the Supreme Court of Canada. I do not believe for a moment that any hon. member of this house would suggest that this was the thought behind the resolution adopted by the bar association, which contained a recommendation which this amendment seeks to interpret in statutory form.

It is open to debate, of course, whether or not the wording is perfect. Different members may have different views as to whether this is the best expression of the request of the Canadian Bar Association. It is an attempt, however, and I believe a reasonable and well-worded attempt to carry forward into statutory form the desire expressed by the senior members of the Canadian bar.

In view of some suggestions that have been made that any proposal of this nature is a reflection on the Supreme Court of Canada and the ability of this country to produce lawyers of the stature necessary to meet the high standards of the judiciary, let me say most emphatically that no such suggestion has ever been contemplated in anything that has been said by any member of the party I have the honour to lead. I am as confident as any member of this House of Commons that the legal profession, despite the humorous comments that may be forthcoming from time to time about some of the members of that profession either from the member for Temiscouata (Mr. Pouliot) or from others, has in all the ten provinces established a standard that gives Canadians reason for being proud of that pool of legal talent from which the judges of this country are drawn, whether for the Supreme Court of Canada, the superior courts of the provinces or the county courts and district courts within each of those provinces.

This amendment is an attempt to put into statutory form a statement consistent with the unanimous recommendation of the Canadian Bar Association that the principle of *stare decisis* be applied: in other words, that the background of decisions of that court, which throughout these long years has passed upon constitutional and other matters, shall still be given their full legal effect. I believe it is important, Mr. Chairman, that all of us recognize the extent to which our constitution is, in fact, a combination of the British North America Act and the legal decisions which have interpreted some of the general terms within that basic constitution of Canada.

Under sections 91 and 92 of the British North America Act, there is a division of responsibility and jurisdiction between the national government and the provincial governments. Many of the expressions were in general form and many of those things which, since the date of confederation, have

become an essential part of the administrative as well as the legislative powers of both dominion and provincial governments, have been the result of interpretations of that constitution by the privy council. When differences of opinion arose, this tribunal was called upon to decide where the actual responsibility and jurisdiction lay.

There are a few comparatively recent examples of such decisions. At the time the British North America Act became our basic constitution this country was in the early stages of its development. Anyone who might have told our forefathers that we would be listening to the words of people passing between each other without benefit of wires would have been laughed at. Yet, within recent years the privy council was called upon to decide whether, under the wording of the British North America Act, the control of radio rested with the national or the provincial governments. So it was in the case of the control of aviation. The question arose whether that came under the provinces as a result of the reference to property and civil rights, or whether it came under the control of the national government. The privy council made its decision and that decision has, in effect, become part of our constitution.

And so it goes in regard to many of the things that are done both by the government of Canada and by the governments of many of the provinces.

Progress reported.

At six o'clock the house took recess.

AFTER RECESS

The house resumed at eight o'clock.

CRIMINAL CODE

PORTRAYAL OF CRIMES BY PICTURES IN
MAGAZINES, ETC., TENDING TO
INDUCE VIOLENCE

Mr. E. D. Fulton (Kamloops) moved the second reading of Bill No. 10, to amend the criminal code (portrayal of crimes).

He said: In view of the comparatively short time available on this occasion for the discussion of this bill I ask the forbearance of the house if I deal with only some of the highlights of the matter involved in the suggestion I have to make because I understand that several hon. members have something to say on this matter. Therefore I shall keep my remarks to as short a compass as possible in the hope that they may be able to say something and still leave time for expression of opinion on this bill.