

**Hon. Mr. Hugessen:** The honourable leader (Hon. Mr. Robertson) had to leave the chamber a few moments ago. As the house will recall, he adjourned this debate yesterday afternoon because he wished to consult the government as to whether it desired to adopt any attitude towards this report. The leader has advised me that he has not had time to consult with his colleagues, and that therefore the government takes no attitude with respect to this report.

**Hon. Mr. Roebuck:** If no one wishes to speak now, could the debate be adjourned until tomorrow?

**Hon. P. H. Bouffard:** Honourable senators, I wish to say a few words about this report. I would suggest that it be tabled rather than adopted at this session.

First of all I wish to highly compliment the chairman (Hon. Mr. Roebuck) and members of the Special Committee on Human Rights and Fundamental Freedoms upon the splendid way in which they carried out their difficult assignments. At the outset it would seem quite simple to formulate a principle which everybody would approve, but the more simple the principle the more difficult it is to formulate.

I have examined this report carefully and I do not find in it anything objectionable. Actually I should be pleased to see a bill of rights drawn up that would prove acceptable to all Canadians. I feel, however, that we would be acting too hastily if we were to endorse the report at this late stage of the session. It would seem to me that if we desire to formulate an acceptable bill of rights, we should give to the public at large, and to the various organizations which are especially interested, an opportunity to study this report and express their opinions about it.

In my opinion some of the articles contained in this report properly come under the jurisdiction of the provinces. For instance, article 14 reads:

(1) Everyone has the right to own property alone as well as an association with others.

(2) No one shall be arbitrarily deprived of his property.

These clauses deal with exclusively provincial rights, and no law passed by the Parliament of Canada would prevent provincial legislatures from having jurisdiction over the property of individuals, companies or organizations. An effective bill of rights must be founded on a basis of provincial and federal co-operation, otherwise such articles as the one I have just cited, if placed on our statute books, would be without meaning.

Let us refer also to article 18:

(1) Everyone has the right to take part in the government of the country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in the country.

I do not know that I entirely agree with this principle, and I am not sure that it does not go too far. Many people across Canada feel that we should not be deprived of the ability to exercise the right of preventing communists from being appointed to the public service of this country. We feel that if a man has subversive ideas and wishes to overthrow our form of government, he should not have access to any public service in Canada.

In any event, this matter is one that I should like to look into more deeply. I do not say that the principle is wrong or that I disagree with it, but I should like to have time to examine it further. I would suggest to the honourable senator from Toronto-Trinity (Hon. Mr. Roebuck) that this year he should merely table his report. The session is rapidly drawing to a close, and if the report were tabled, we would have an opportunity to discuss it next year. Many of our colleagues are absent, and neither they nor the people of Canada have had an opportunity to study the report and come to any conclusion about it. Further, provincial representatives should have an opportunity to discuss the principles involved in the report. We must remember that within a few months there will be a federal-provincial conference, and that it would present an opportunity for establishing a basis for federal and provincial co-operation in drawing up a bill of rights which would preserve the respective rights of the dominion and the provinces. If my honourable colleague from Toronto-Trinity accepts my suggestion, at the next session of parliament, after all honourable senators have had time to study the principles embodied in the report, we shall have ample opportunity for full and free discussion. At that time honourable senators may even deem it wise to refer the matter back to the committee.

**Hon. Norman P. Lamberg:** Honourable senators, I will not detain the house long. Last session the motion dealing with human rights and fundamental freedoms was withdrawn after an interesting debate, which I followed closely. That motion, like the one passed this session for the appointment of a special committee, arose out of a resolution adopted by the United Nations.

I have been much interested in the proceedings of the committee, and I cannot agree that our best course now is to table its report. The committee, set up by the Senate, heard a good deal of evidence from witnesses, some of whom took great pains to make a good pre-