

*Canadian Human Rights*

**The Acting Speaker (Mr. Turner):** Order, please.

**Mr. Basford:** It would be wrong to reverse the trend of the last six years where we have endeavoured, through the Federal Court Act and amendments to various statutes, to provide uniform, consistent, co-ordinated judicial supervision of administrative tribunals. It would be wrong to reverse that trend and begin establishing different rights of appeal for each of the different federal tribunals.

If the rights of appeal are to be changed in the Federal Court Act, they should be done in the Federal Court Act itself—applicable to all administrative tribunals.

**Mr. Woolliams:** Isn't that awful.

**Mr. Basford:** If the procedures of appeal and the rights of appeal are wrong for the human rights commission as suggested—

**Mr. Woolliams:** Rubbish.

**Mr. Basford:**—they are equally wrong for the immigrants to this country under the Immigration Act. They are equally wrong for people who have rights and needs under the transportation policies implemented by the transportation commissions. Therefore this piecemeal approach suggested by members opposite is one that is not to be recommended.

**Mr. Nowlan:** How many immigration appeal boards are there in Canada?

**Mr. Basford:** I guess the hon. member was not listening. There were 1,100 appeals.

**Mr. Nowlan:** How many immigration appeal boards are there?

**The Acting Speaker (Mr. Turner):** Order, please. The Minister of Justice has the floor.

**Mr. Woolliams:** Well, it's too bad he does.

**Mr. Basford:** Concern was expressed in the committee about one-man tribunals. The committee discussed and accepted a system whereby there would be an appeal from a one-man tribunal. That is a proper solution to that problem.

The employer or the claimant not liking the decision of a one-man tribunal would have two remedies. He could either appeal to a three man tribunal or exercise his right under Section 28 and appeal to the Federal Court of Appeal. This question of appeal was examined very carefully by the committee. The committee heard not only my evidence but the evidence of Dr. Tarnopolsky whose credentials are accepted by this House as well as across the country. This is a process which resembles the mechanism the provinces have followed and I commend it to the House, and this can only be done by defeating this amendment.

[Mr. Woolliams.]

● (2210)

**Mr. Nowlan:** Mr. Speaker, I obviously shall not comment on what the minister has just said, but that basically was my question. My question is in two parts. The minister quoted very interesting figures of the use made of the appeal procedure under section 28 of the Federal Court Act. But cannot the minister understand that it is the very fact that there has been provincial involvement in the provincial human rights commissions—I think they have them in all the provinces, but the minister would know this better than I—but if there are ten human rights commissions in ten different provinces they would be dealing with human rights as they are recognized in those provinces. And this is why, certainly in the federal human rights commission, there should be that final right of appeal to a judicial process, the Federal Court, so that perhaps we might get some consistency in human rights legislation.

You only have one Immigration Appeal Board. You only have one Income Tax Appeal Board. You only have one Transport Commission. All of the bodies the minister mentioned which have utilized the Federal Court Act have been single administrative bodies. The minister himself admits that the different provinces have set up their own commissions. Does this not suggest that there should be at the end of the road some judicial process from the federal human rights commission to the Federal Court?

The last part of my question is this. Again using the analogy to which the minister referred, does he not see already, with what is going on in the country, the human rights commission in Quebec being overruled by a provision of Bill 1, which says in effect that Bill 1 will have priority over human rights decisions by the human rights commission of Quebec, some need for the right of appeal to a federal court?

**Some hon. Member:** Right on!

**The Acting Speaker (Mr. Turner):** That is a long question.

**Mr. Woolliams:** It doesn't matter. It is important.

**Mr. Basford:** I have some difficulty answering the question because I am not sure the hon. member understands the division of jurisdiction in the country. There are ten human rights commissions operating under different provincial statutes. There are different requirements in each of those acts, and in the various provincial laws there are rights of appeal provided, rights which are, generally, limited for the same reason that the rights in this law are limited, that is to say, because we are dealing with a specialized area. It would be totally wrong, incidentally, and an invasion of provincial jurisdictions to suggest, as the question seems to suggest, that there should be some appeal by way of the Federal Court Act from decisions of human rights commissions in the provinces.

**Mr. Nowlan:** I did not suggest that.

**Mr. Basford:** These ten provincial commissions are operating within their own jurisdictions under their own laws, many of which are different from Bill C-25 in various respects.