

*Human Rights*

Had we decided to initiate discussions first and failed to get agreement, the opposition would be the first to criticize us for proceeding in the absence of agreement. Had we delayed further in introducing the bill, because of the difficulty of getting agreement, my hon. friends who now express such an impatient desire to see an effective bill of rights would certainly not have withheld their criticism of any further delay. It is therefore the usual Liberal and C.C.F. tactic that we have seen so often in this house of trying to have it both ways.

The second answer to this criticism is that we believe that the question of constitutional amendment should be approached on the basis of respect for that constitution itself. The very foundation of the Canadian constitution is recognition of divided spheres of responsibility. It is surely only when a problem cannot be solved without an amendment enacted by the federal authority that such a course becomes the only one that can be followed. Such I believe to have been the case in the provision of retirement age for judges, which was recently presented to this house. But there are cases where an objective can be met by uniform and complementary legislation of each authority in its own field. This bill of rights we believe to be one of those cases. The opposition approach to this problem is of course based on their traditional centralizing tendencies; solve the problem by seeking to centralize here.

We have considered that in this particular matter the better and more workable approach is for the federal government to put its own house in order and then, that being accomplished, provincial governments may be urged to enact complementary legislation in their own fields; for, after all, persuasion based upon proper example is often more effective, and in situations such as this more workable, than an attempt to impose a view which suggests that responsibility lies only at one level. In this process the people themselves play an essential part in that, having seen it properly done in one field, they may make their views known and bring their powers of persuasion to bear in the proper manner upon provincial governments, which after all they also elect.

It is our hope that, one province having already enacted a bill of rights and the federal government having enacted a bill of rights in its field, other provinces should follow suit. If this development occurs, then the whole field of human rights and fundamental freedoms in every part of every jurisdiction of Canada may be covered by the appropriate legislation without there having been any violence either to the spirit or to the letter of the constitution.

[Mr. Fulton.]

**Mr. Martin (Essex East):** That was suggested by the opposition.

**Mr. Fulton:** We believe that where the constitution speaks so clearly as to the jurisdiction over civil rights, the method we are following is not only in keeping with the principles of our constitution, but in the long run, it may well be more apt to produce the desired result, by respecting the limits of our jurisdiction, than by the federal government attempting to impose the view that the only way the matter can be handled is by surrendering or transferring authority to legislate to the federal parliament.

Therefore, Mr. Speaker, I say without hesitation that our approach is in keeping with the spirit of the constitution; it discharges our responsibilities in our own field, and recognizes that it is the responsibility of other jurisdictions to do the same in their fields. We believe that by a mutual recognition of responsibilities we are much more apt to get effective, workable, and acceptable and complete coverage of every aspect of human rights and fundamental freedoms in Canada, accepted by the provincial governments as well if they enact their own bills, than if we seek to impose upon the provinces our view that there should be just one general federal enactment by way of amendment of the constitution. We say that it is quite possible to have a constitution which will work in this field if you recognize the way it is supposed to work; make it work but do not do what my hon. friends of the opposition seek to do, impose your views on others and seek to solve every problem by changing the constitution unilaterally.

**Mr. Martin (Essex East):** Political nonsense.

**Mr. Fulton:** The anguish in that cry indicates the depth to which my shaft has sunk in my hon. friend's bosom, and indicates his belated recognition of the shallowness of the criticism of himself and his party against this bill.

There were a number of other criticisms made by the opposition, not all of which I shall have time to deal with, but I think perhaps I should deal primarily with the criticisms of what members opposite have called the pedestrian and uninspiring language of this bill. My hon. friends in the opposition seem to forget that we are writing a statute, not a poem; but even in this criticism they are inconsistent. I do not know how many poets there may be opposite, Mr. Speaker; I should doubt whether there are very many, but I can assure my hon. friends that if we had wanted to produce a literary work we would have called in