

Human Rights

Mr. Fulton: Not at this point, if I may; my time is limited. However, I will endeavour to leave time to answer questions at the end of my remarks.

I should like to proceed now to deal with criticisms made by opposition spokesmen with respect to the bill of rights. These have been many, mostly ill founded, and I suggest they could properly be characterized as showing an absolute refusal to concede that the government of the present Prime Minister is or could be doing anything to serve the interest of Canadians in the protection of their rights and freedoms, and by a determination to deny that the present bill of rights is or could be of benefit to Canada. If my answers to the criticisms are not perhaps as philosophical as might have been expected in a discussion of this nature, I can only point out that their nature is dictated by the ill-conceived nature of the criticisms with which my remarks must deal.

Indeed, it is extraordinarily revealing to analyse the attitude, particularly of the Liberal party, toward this bill of rights today. Their attitude is extraordinary, because they have for 22 years opposed and scorned the very idea of a bill of rights in Canada. They now profess to support the principle, and indeed they profess themselves to be so much attached to it that they say they would go very much further.

Their attitude is revealing because, having made this strange and opportune about-face, they then attack with fury the first concrete attempt that has been made by any government of Canada for the enactment of a Canadian bill of rights.

When one analyses the inconsistencies of their criticisms and perceives their failure to appreciate the extent and effect of the bill before the house, it is obvious that their attacks are based in large part upon a refusal to concede that anything useful can be done thereby, thus constituting a reversion to their former position, and in part on a jealous refusal to acknowledge the fact that the Conservative government under the present Prime Minister is in fact making a real contribution to the further delineation of our Canadian freedoms.

Mr. Hellyer: Would the minister tell us from what document he is reading?

Mr. Fulton: The minister is referring to notes which he himself has prepared for his own use.

Let me demonstrate some of the inconsistencies and inaccuracies of the criticisms we have heard. One of the criticisms is that the bill will be of little practical effect. May I point out in the first place that this seems

to be a hasty and ill-conceived judgment, made before the statute has even been enacted. It is a hasty judgment on the basis of history. I point out to hon. members opposite that it was 400 years after the writing of Magna Carta before that great document was put to real use, its first real use being to destroy the effect of the doctrine of the divine right of kings. However, it was some 400 years before the document was used to its maximum purpose and effect. We should, I think, appreciate with regard to this bill of rights that we are not enacting legislation for today only, or for this generation only, but that we are placing on our statute books legislation which we hope will have validity and effect in future generations.

It does seem to me difficult to understand on what basis hon. gentlemen opposite say that this legislation will have no effect. When one analyses particularly the provisions of clause 3 it becomes apparent that the bill will have effect with respect to all past federal statutes and all regulations made under those statutes which are within the competence of the federal parliament. If hon. members will examine the clause they will find that parliament is being asked to say that the bill has effect with respect also to the application and interpretation of all future statutes of this parliament, and that if parliament desires to exempt any of its future statutes from the operation of the bill it can only do so by an express provision contained in the subsequent statute. On that basis I think the house will agree with me that the criticisms of those who say that the bill will have little practical effect are shallow and ill founded.

Another criticism of the bill is that it does not enumerate basic economic rights. It is, of course, a fact that this bill does confine itself to the basic human rights and fundamental freedoms in the sense in which those words are generally understood. This is the great field in which it is considered necessary to protect the liberties of the individual.

Mr. Martin (Essex East): It mentions property, which is the sole economic concept in the bill.

Mr. Fulton: The bill does not purport to be a charter of economic freedoms but, as the hon. member for Essex East himself has pointed out, it does enumerate one basic freedom in that field when it refers to the right of the individual to the enjoyment of property which, of course, in a true sense is one of the bases of economic welfare and prosperity.

The suggestion has been made that we should have attempted to write in a specific