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Property Rights

I say that the Speaker was still very fair and I agree with him when he says that it is a decision for the Committee, and not the House, to make. But the Committee was clear and it is too bad that I have to restate the facts because we will not hear five groups in two hours, but five groups in five hours.

Mr. Mike Cassidy (Ottawa Centre): Mr. Speaker, it is unfortunate that the Hon. Member for Thunder Bay—Nipigon (Mr. Epp) who rose yesterday afternoon on this question of privilege could not be in the House today. I am somewhat curious about your decision to allow this question of privilege to be entertained during Private Members' Business hour.

I should like to deal briefly with the issues raised by the Hon. Member for Duvernay (Mr. Della Noce). He argues for the fact that a small number of ethno cultural groups will be allowed to appear before the Legislative Committee dealing with Bill C-93. My friend the Hon. Member for Thunder Bay—Nipigon claimed yesterday in the House that his privileges as a Member had been denied by the Government majority which refused to allow an adequate number of sittings for community groups to express their views on this important legislation.

As my hon. friend emphasized, the Canadian Ethnocultural Council was the only non-governmental organization which has been heard so far. There are groups by the dozens which wanted to make representations, review the bill and suggest improvements, which will all be excluded. And to start with the Government refused the Legislative Committee permission to travel in order to hear the views Canadians would like to express on the Bill. Now, the Government has imposed a time limit whereby only five groups will have a chance to testify for a one hour period each.

Here is something totally inadequate, Mr. Speaker, and this is why the Hon. Member rose on a question of privilege, and I hope, Mr. Speaker, that you will sustain every Member's right to a full and adequate consideration of a Bill as important as Bill C-93, instead of an inadequate consideration such as that put forward by Members of the Conservative Government.

Mr. Deputy Speaker: I think it is neither necessary nor useful to hear other Members on this question.

The question was raised yesterday by the Hon. Member for Thunder Bay—Nipigon (Mr. Epp) and it appears on page 14937 of the Official Record of the *Debates*.

I thank the Hon. Members for Duvernay (Mr. Della Noce) and Ottawa—Centre (Mr. Cassidy) for their representations today, but I do think that all Hon. Members will understand that the Speaker's decision stands.

So we continue the debate with the Hon. Member for Kent (Mr. Hardey).

PRIVATE MEMBERS' BUSINESS—MOTIONS

[English]

CONSTITUTION ACT, 1982**SUGGESTED AMENDMENT TO INCLUDE PROPERTY RIGHTS**

The House resumed consideration of the motion of Mr. Reimer:

That, in the opinion of this House, the *Constitution Act, 1982*, should be amended in order to include property rights and, that the Governor General issue a Proclamation under the Great Seal of Canada to amend section 7 of the Canadian Charter of Rights and Freedoms so that it reads as follows:

"7. Everyone has the right to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

and this House urges that the Legislative Assemblies of all provinces and the Senate pass similar resolutions.

Mr. Elliott Hardey (Kent): Mr. Speaker, I am pleased to rise in my place and support the motion placed by my colleague, the Hon. Member for Kitchener (Mr. Reimer), calling for the inclusion of property rights in the Canadian Charter of Rights and Freedoms.

Yes, Mr. Speaker, many groups and individual Canadians have lobbied for the entrenchment of property rights in the Canadian Charter, and many provincial bodies and Governments have also expressed to the federal Government their commitment to this goal.

Because the inclusion of property rights involves a constitutional amendment, we should not become discouraged over the complexities involved, but rather keep in mind that the overwhelming majority of Canadians favoured the inclusion of property rights in the Charter at the time of the initial debate. There are many precedents for property rights to be entrenched in the Charter, even going back as far back as 1215 when the Magna Carta referred to it. Many of us in the House have ancestors who came to this country because it was a land of opportunity, and with their own sweat and labour they conquered the wilderness and made Canada what it is today.

A few weeks ago in my riding I discussed this issue with my friend, Mr. Herb Parker, a member of the Political Action Committee of the Chatham-Kent Real Estate Board. He pointed out several local concerns. We generally concluded that it seems to boil down to an over-abundance of laws which restrict or remove property rights placed upon citizens in Ontario by the provincial Government, and many people are unaware of the restrictions.

Most of these laws are necessary and acceptable individually, and they are in place for many good reasons. But when one puts them all together and counts them up, it becomes a little scary. There are 223 public statutes, 61 private statutes, and 86 regulatory passages which allow entry on to your land and mine, Mr. Speaker, without warning.

As individuals we live in a co-operative society. In order to enhance that society and to protect our health, livelihood, well-

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being, and lifestyles, certain individual rights may be removed or restricted. My friend, Herb Parker, has no argument with that, nor do I. However he argues that the sheer number of such laws, particularly the vast grey area of laws, which on the surface sound good and have excellent intentions, in all practical ways create excessive confusion and the possibility of jeopardizing basic rights.

Entrenchment is not a threat to provincial rights. It will not prevent necessary expropriations for government projects. It will not upset good and orderly government. However, it will stand as a visible and powerful symbol that Canada still represents freedom and will provide individuals with a fair and just hearing before the courts in the case of property right disputes.

I was not a Member of the House when the original Charter was drawn up. I have spent some time reading the speeches made by those who were here at that time. I must say that when I was finished researching this issue I was fairly confused. Reading the lines, and the between the lines, I saw that members of all Parties appeared to support the idea of property rights. However, after endless debate on the subject, we have reached the point at which we are today—going through the exercise again.

• (1420)

A few weeks ago, while sitting in this House, I heard the Member for York Centre (Mr. Kaplan) reflecting on the trade-off of issues to get the Charter in place. Yes, the original resolution was debated in this House almost endlessly. In fact, by the time it was all over, debate in the House and in committee had taken well over 150 days. The give and take process between the Government and the Opposition resulted in this very important subject being left out. According to the Hon. Member for York Centre, it was actually traded out in order to get NDP support in 1982. That is a very unfortunate situation.

The right to life, liberty, security of the person and enjoyment of property is fundamental in a democracy such as Canada. I would like to quote the President of the Canadian Chamber of Commerce on the subject. He said, in a letter to the Prime Minister (Mr. Mulroney), "Property rights are the most fundamental of individual rights. It is unfortunate that they were not included in the Charter of Rights and Freedoms as a protected right. The Canadian Chamber of Commerce urges the Parliament of Canada and the Legislative Assemblies of all provinces to amend Section 7 of the Canadian Charter of Rights and Freedoms so that it reads: 'Everyone has the right to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except in accordance with the principles of fundamental justice'". The President went on to say that the chamber was encouraged by the Prime Minister's undertaking on April 15, 1987 to include this subject in round two of the constitutional discussions with the provinces.

The Canadian Chamber of Commerce is not the only organization to support a property rights amendment. This was further indicated by the Canadian Real Estate Association in October of that same year when its President referred to the Gallup poll commissioned by the Association which indicated that 84 per cent of home owners and 74 per cent of renters support a property rights amendment.

The President of the Canadian Real Estate Association said, "The results are a powerful message to Members of Parliament and provincial politicians that Canadians take their property rights seriously and want them in the Constitution". The poll was released on the first day of National Private Property Week sponsored annually by the Association to remind Canadians of the rights and obligations of property ownership.

The right to enjoy property is the only one of the fundamental freedoms that was left out of Section 7 of the Charter of Rights when it was proclaimed in 1982. In the spring of 1983 my Party, which was then the Official Opposition, introduced in Parliament a resolution to entrench property rights that was defeated because of the amendment procedures of the Charter of Rights and Freedoms.

During the last election campaign my Party again took the position that it supported the entrenchment of property rights in the Charter with due protection for the rights of women under family law regimes. I distinctly recall that subject coming up over and over again in my own campaign.

Canadians, most of whom are property owners, are in favour of property rights. This has been borne out countless times through surveys and polls. People are unable at the present time to challenge alleged infringements against their property rights in the courts on the basis of the Charter. The obvious solution now is an amendment to the Charter as my hon. friend has proposed. The required provincial consent should not pose an insurmountable problem, and some of the provinces have already acted in that regard.

Mr. Fred McCain (Carleton—Charlotte): Mr. Speaker, this motion and its amendment, if I am allowed to address the amendment before you have approved it, is an absolutely essential requirement for society. Perhaps prior to the creation of a Constitution some years ago it was not as important as it is today, but in that Constitution we deprived this House and virtually all legislative bodies of the right to create laws within the guidelines of the power of government which was, of course, delineated by the Act of 1867 that created Canada in the first place. At that particular time it was hoped that in future law would be interpreted by the courts of the land as it had been interpreted, that there would be precedent which would prevail in the judgment, and that specific laws and interpretations, once made, would be respected.

We now find that when a case goes to the Supreme Court, if a defendant or a prosecutor presents to that court a precedent or a particular law which is relevant to the case but may not be

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identical to the case, the court is inclined to question the legal representation by saying: "What has precedent to do with it; what has this or that to do with it?" As far as Canada is concerned, we have seen the legislative capability of the Supreme Court, particularly as it was expressed with respect to its decision on abortion.

We have resided in this land since the earliest settlers arrived here with the concept that we did in fact own land; that if we had bought and paid for it, it was our possession as much as the clothes on our backs were presumed to be our possession. However, under this Constitution, as I see it, we are now in the position where nothing is finite which is not in the Constitution itself and everything is subject to interpretation.

That was obvious to some of us when the Constitution was presented in the first place. However, it was impossible to get amendments, either to add the right to own land or to give a finite capability to the legislative bodies which exist in our dominion.

While there may have been some reservations about the ownership of land, we have reached a time when the philosophical types of decision we have seen in the Supreme Court of Canada and other courts demand that there be no opportunity for philosophical, sociological, or any other type of decision with respect to the ownership of land. That must be finite in the Constitution. We should not overlook that.

There are literally hundreds of municipal, provincial, and federal rights of passage, rights of access, et cetera, which are applied to land ownership and which do in fact override some of our rights. They are intended to override some of our rights of ownership because our ownership may not be in the best interest of the public domain. Nevertheless, there is the demand that, if the public requires the land or the building which we own, the owner be compensated for infringement, lack of possession, or demolition of the property.

I know that one of the reasons people came to this land initially was that where they had resided at an earlier date, whether in Europe or another place, they did not have clear ownership of land, they did not have private possession. They may have been serfs, share-croppers, or in some other capacity, but they did not own land. That was one of the very objectives of people leaving their homes, relatives, and friends to come to a foreign land, even a wilderness, to settle.

• (1430)

One must ask why we have not established the sacred right to property prior to this time. This question should not be left to the philosophical decision of a judge, but it should be absolutely established in law.

I do not believe this would interfere with the administration of government, whether at the municipal, provincial, or federal level. However, the exclusion of such rights can interfere with the security of the individual.

This question may not have been as significant when the Constitution was being introduced to the House in its broad terms. At that time the property rights proposal was subject to interpretation because it did not spell out its purposes. Now that we have seen the philosophical capability of a judge to make an interpretation which the judge believes is in the best interest of society, the time has come to provide for property rights.

I have always believed that property rights should be a fundamental aspect of our Constitution. To my knowledge, those provincial jurisdictions that oppose land ownership have never explained how this would interfere with the operation of government. When one considers the background of many Canadians, it is beyond my comprehension why anyone would argue against the insertion of land ownership in our Constitution.

I believe this motion directs the Government to take the necessary steps to bring that about, and I compliment the Hon. Member for Kitchener (Mr. Reimer) for introducing it.

One of the fundamental reasons why our forefathers came to this country was that they could either get a grant of land or purchase land. They were provided with an opportunity which they or their descendants would ever have in their new homeland.

I recall a conversation I had with an immigrant to this country. After an extended trip to his homeland, he talked of the difficulties he had in returning there and spoke of the difficulties facing his relatives. I asked him how he felt upon returning to Canada. He said that he felt just like the astronaut who, upon returning to earth, said he could kiss the ground. This immigrant came from a land where he could not own property. When he returned to Canada he wanted to kiss the ground because of the privileges we enjoy in this country. These principles of property rights should be enshrined in our Constitution.

Mr. Deputy Speaker: Before recognizing the Hon. Member for Nepean—Carleton (Mr. Tupper), the Chair will rule on the amendment which was proposed a few minutes ago.

After careful consideration the Chair must rule the amendment out of order on the grounds that the amendment sets forth a proposition dealing with a matter that is foreign to the proposition involving the main motion. Therefore it is not relevant and cannot be moved.

Debate continues with the Hon. Member for Nepean—Carleton.

Mr. McCain: Mr. Speaker, I rise on a point of order. Is there any room for discussion or opinion of Members of the House?

Mr. Deputy Speaker: I doubt very much whether the Chair would change its mind. However, the Chair would entertain a comment from the Member.

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Mr. Hawkes: Mr. Speaker, I rise on a point of order. I think there is a small problem with the motion. I believe it is being redrafted and may be re-introduced by another Member. However, I think we should let the debate continue while it is being worked on.

Mr. Barry Turner (Ottawa—Carleton): Mr. Speaker, I want to echo the sentiments expressed by many other colleagues respecting the motion by the Hon. Member for Kitchener (Mr. Reimer). He brings forward a motion that is fundamentally important not only for Canadians but for people throughout the world.

I want to highlight the importance of land ownership and property rights by citing two graphic examples. The House will recall the classic film *Gone with the Wind*, a story about the civil war in the United States. I will never forget the closing scene when Scarlet returned to see that her house had been destroyed in the war. She told one of the men who worked on the farm that she was devastated because everything had been taken from her. He bent down, picked up some soil, and said to her: "This will endure forever". The message was that she still had the land.

It is the right of people to keep their land that we want to entrench in the Constitution. The right to ownership of land should belong to everyone, whether an individual or an organization, so that one cannot simply be bulldozed off the property when a transfer of land happens to occur. Someone should not be loosely expropriated from property that has belonged to a family for decades.

Another movie which appeared recently on television depicts the importance of ownership of land. This movie was entitled *Stranger on my Land*. It was about a man who returned from Vietnam where he remembered expropriating people from their lands and villages because they had been destroyed. The moment which depicted the importance of the right to property occurred in the scene in which an old South Vietnamese man was crying. He said: "I have nowhere else to go". When this soldier returned to the United States, the same thing happened to him with his land and his farm. The military wanted to take over his land in the western United States for use as a testing ground. He opposed it and was taken to court where he had to fight for his land. We do not want that to happen in our country.

• (1440)

I can think of things that have happened even in the National Capital Region. My family roots go back to King-smere. We all remember Mackenzie King who fantasized about running this country. The NCC expropriated land which had been in my family for generations and it expropriated land from farmers, although it gave a fair price. However land is something we cannot possibly allow ourselves to lose.

In Third World countries people are shifted from points A to B without their permission. We cannot let that happen here. Why the importance of entrenching property rights in our

Constitution was not realized at the time of the changes to our Constitution I do not know. I was not in the House at the time and I have not read the *Debates*.

The basic fundamental philosophy of human beings is their land. Without guaranteed access to the land, farmers feel insecure, cottage dwellers feel insecure. This is something which has now become essential, and I hope we all agree on this. Because of my sincere belief in the fact that we must have guaranteed access to property, I am pleased to move:

That Motion M-8 be amended by deleting all of the words after "amended", and substituting the following:

"In order to recognize the right to enjoyment of property, and the right not to be deprived thereof, except in accordance with the principles of fundamental justice, and in keeping with the tradition of the usual federal-provincial consultative process".

Mr. Deputy Speaker: The amendment is as follows. It is moved by Mr. Turner (Ottawa—Carleton), seconded by Mr. Towers, that Motion M-8 be amended by deleting all of the words after "amended", and substituting the following: "In order to recognize the right to enjoyment of property, and the right of not to be deprived thereof, except in accordance with the principles of fundamental justice, and in keeping with the tradition of the usual federal-provincial consultative process".

The Chair finds the motion to be in order. Debate is on the amendment.

Ms. Pauline Jewett (New Westminster—Coquitlam): Mr. Speaker, I really find it passing strange that at the fifth hour of debate on the motion of the Hon. Member for Kitchener (Mr. Reimer) we should find the Conservative Party changing its mind, the Hon. Member for Cariboo—Chilcotin (Mr. Greenaway) proposing an amendment which was declared out of order and another amendment being proposed by the Hon. Member for Ottawa—Carleton (Mr. Turner) which is almost meaningless.

Mrs. Sparrow: No, it is not.

Ms. Jewett: It amends the Constitution Act in order to do certain things without saying how it should be amended. It only says that it is to be amended in order to give some protection to the right to enjoy property and that the federal Government and the provinces will work it out in some fashion. That is all it says.

The original motion by the Hon. Member for Kitchener was very explicit on how this House should amend the Constitution Act, 1982, namely, by adding within Section 7 of the Charter the words "enjoyment of property". I find it very strange that the Conservative Party should now be welshing on that very specific proposal.

I can only conclude that the Conservative Party has been listening to the arguments put forward by the New Democratic Party during the course of the previous four hours of debate on this matter and has concluded that the motion originally proposed by the Hon. Member for Kitchener—and the

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amendment that was proposed in earlier Parliaments, is very inadvisable; that it could indeed lead to very perverse results and might circumscribe the rights of all citizens, including other property owners. It might also make difficult the enjoyment of all freedoms guaranteed in the Charter. The matter needs a good deal more discussion and debate and, ideally, the matter needs to be dropped.

Those who advocate amending the Charter of Rights and Freedoms to guarantee the right to enjoy property are, in my view, being either mischievous or naive. When they make this proposal they make it sound as though it was the most simple of adjustments, a statement of the obvious that would be opposed only by someone who wants to deprive people of what is rightfully theirs. That is the subtle implication. Yet, as many associations have pointed out including the Canadian Civil Liberties Association, entrenching property rights or the rights to the enjoyment of property can have very perverse results.

The Hon. Member for Ottawa—Carleton is under the impression that property means land and land only. That is ridiculous. Property in this modern day and age means a great deal more than land, the most important of which is intellectual property. That in itself indicates that property rights are a far less clear-cut concept than other rights already entrenched in the Constitution.

For example, when we speak of the right not to be imprisoned without due process of law or the right to freedom of expression, we know at least in a general sense what is intended. But, what actually is the right to enjoy property? That right needs to be so hedged with restrictions in order to protect the rights of others, and of society as a whole that it is far, far from absolute.

• (1450)

What then would it mean to enshrine in our Constitution as a fundamental and more or less absolute right the enjoyment of property? If it meant only that the right to enjoy property existed to the extent that society through its laws chooses not to limit it—and that in effect is the situation today—then the constitutional guarantee would be virtually meaningless. If it meant more than that, then the still insufficiently explored consequence could be a dismantling of some or even all of the laws that exist to protect us all.

That is why we have suspected for some time that what the promoters of the property amendment really want is a legal opportunity to challenge a vast body of legislation which exists today and which subjects property ownership to a wider community interest, including that of other property owners.

Urban property speculators, for instance, are thirsting to use a property rights clause to short circuit zoning by-laws and community organizations, those organizations having the gall to prevent landowners from doing whatever they please with their property. They do not want to see the freedom—putting freedom in quotes—to build a fast food stand in a quiet neighbourhood abridged. They do not want to have any

limitations on their intention, perhaps, to turn the back 40 into a highly profitable dump for PCBs. If property rights are constitutionally entrenched, how long would it take for a lawyer to draft a brief denouncing rent controls as unconscionable and illegal government meddling?

In its current form the enjoyment of property—and what was a proposed amendment and which now has been somehow taken off the table by the Conservatives—could easily be used to throw into question zoning by-laws, restrictions on land use, rent controls, environmental laws, restrictions on foreign ownership, the right of Governments to expropriate property in the public interest, and who knows what else. It is understandable why most provincial Governments, many of them Conservative—and it is the provinces which have a large voice in property and civil rights under Section 92 of the Constitution—have hitherto said, including the former Premier of Alberta, that the placing of the enjoyment of property in the Constitution should be avoided and must be opposed. That is of course what this Party intends to do.

Mr. John Reimer (Kitchener): Mr. Speaker, in wrapping up the debate, I point out that this is the fifth hour that has been provided under the rules in Private Members' Hour on a votable motion. I want to say that we have had a good debate. Some 31 people have spoken on the motion. Some 21 have spoken in favour of it, while 10 have spoken against it.

I want to say that the spirit of the amendment and the amendment to the amendment that was put today is simply that the spirit of the motion continue. We want to entrench property rights but this will change the procedure. It will now go through the First Ministers as opposed to going directly to the Senate and the provinces.

That is being done because of a commitment made during the Meech Lake process at which all the Premiers and the Prime Minister (Mr. Mulroney) agreed together that what they would do is try to complete the Meech Lake process first and then deal with such matters as Senate reform, property rights, and changes to the Constitution. That is what we have done.

Ms. Jewett: Why did you not do it long ago?

Mr. Reimer: That is what we have attempted to do today. We have concluded this debate. I call upon my colleagues in the House to vote in favour of the amended motion.

Some Hon. Members: Hear, hear!

Mr. Deputy Speaker: The question is on the amendment standing in the name of the Hon. Member for Ottawa—Carleton (Mr. Turner). Is it the pleasure of the House to adopt the amendment?

Some Hon. Members: Agreed.

Some Hon. Members: No.

Mr. Deputy Speaker: All those in favour will please say yea.

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Some Hon. Members: Yea.

Mr. Deputy Speaker: All those opposed will please say nay.

Some Hon. Members: Nay.

Mr. Deputy Speaker: In my opinion the yeas have it.

And more than five Members having risen:

Mr. Deputy Speaker: Pursuant to Standing Order 13(5), the recorded division stands deferred until 6 p.m. on Monday, May 2, 1988.

It being 3 p.m., this House stands adjourned until Monday next at 11 a.m., pursuant to Standing Order 3(1).

The House adjourned at 2.58 p.m.

expired. Pursuant to Standing Order 42(1), the order is deleted from the Order Paper.

GOVERNMENT ORDERS

[Translation]

CRIMINAL CODE

MEASURE TO AMEND

The House resumed from Friday, April 29, consideration of Bill C-89, an Act to amend the Criminal Code (victims of crime), as reported (with amendment) from a legislative committee.

The Acting Speaker (Mrs. Champagne): Pursuant to Standing Order 13(5), the House will now proceed to the deferred division from the report stage on Bill C-89, an Act to amend the Criminal Code (victims of crime).

Call in the Members.

The vote is on Mr. Hnatyshyn's amendment. Mr. Hnatyshyn moves:

That Bill C-89 be amended in Clause 7, in the French version, by striking out lines 20 to 25 at page 15 and substituting the following therefor:

"(1.4) Pour l'application du présent article, la victime est:

a) la personne qui subit des pertes ou des dommages matériels ou moraux par suite de la perpétration d'une infraction.

The House divided on the amendment (Mr. Hnatyshyn), which was agreed to on the following division:

(Division No. 354)

YEAS

Members

Allmand	de Jong	Hicks
Belsher	Dewar	Hnatyshyn
Bernier	Dick	Holtmann
Blaikie	Domm	Howie
Blenkarn	Duguay	Hudon
Blouin	Edwards	James
Bosley	Fennell	Jardine
Boudria	Foster	Jelinek
Bourgault	Fraser	Jepson
Boyer	Friesen	Jewett
Brightwell	Fulton	Johnson
Caccia	Garneau	(Bonavista—Trinity— Conception)
Cadieux	Gass	Kaplan
Caldwell	Gauthier	Kempling
Cardiff	Gervais	Kindy
Cassidy	Gormley	King
Clark	Gottselig	Ladouceur
(Brandon—Souzis)	Graham	Langdon
Cooper	Gray	Lanthier
Corbett	(Bonaventure—Îles-de- la-Madeleine)	Lewis
Cossitt	Gronin	MacDonald
Crofton	Guilbault	(Kingston and the Islands)
Crosby	(Saint-Jacques)	MacDougall
(Halifax West)	Hamelin	(Timiskaming)
Darling	Hurdley	Mailly
Daubney	Hawkes	
de Corneille		

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Plourde	Taylor
Porter	Thacker
Price	Towers
Redway	Tupper
Reid	Turner
Reimer	(Ottawa—Carleton)
Ricard	Valcourt
Riis	Vincent
Robichaud	Waddell
Roman	White
Rossi	Wilson
St. Germain	(Swift Current —Maple Creek)
Scott	Winegard
(Victoria—Haliburton)	Wise
Scott	Young—123
(Hamilton—Wentworth)	
Shields	
Siddon	
Sparrow	
Stackhouse	
Stewart	

• (1820)

[English]

The Acting Speaker (Mrs. Champagne): I declare the motion carried.

Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada) moved that the Bill (as amended), be concurred in.

The Acting Speaker (Mrs. Champagne): Is it the pleasure of the House to adopt the motion?

Some Hon. Members: Agreed.

Motion agreed to.

The Acting Speaker (Mrs. Champagne): When shall the Bill be read the third time? At the next sitting of the House?

Some Hon. Members: Agreed.

PRIVATE MEMBERS' BUSINESS--MOTIONS

[English]

CONSTITUTION ACT, 1982

SUGGESTED AMENDMENT TO INCLUDE PROPERTY RIGHTS

The House resumed from Friday, April 29, consideration of the motion of Mr. Reimer:

That, in the opinion of this House, the *Constitution Act, 1982*, should be amended in order to include property rights and, that the Governor General issue a Proclamation under the Great Seal of Canada to amend section 7 of the Canadian Charter of Rights and Freedoms so that it reads as follows:

"7. Everyone has the right to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

and this House urges that the Legislative Assemblies of all provinces and the Senate pass similar resolutions.

And the amendment of Mr. Turner (Ottawa—Carleton):

That the motion be amended by deleting all of the words after the word "amended" and substituting the following therefor:

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"in order to recognize the right to enjoyment of property, and the right not to be deprived thereof, except in accordance with the principles of fundamental justice, and in keeping with the tradition of the usual federal-provincial consultative process."

[Translation]

The Acting Speaker (Mrs. Champagne): The Hon. Member for Ottawa—Vanier on a point of order.

Mr. Gauthier: Madam Speaker, customarily, Private Members' Business is voted on differently.

Since the item before us is a Private Member's one, I would suggest that we proceed row by row rather than by political party and that we start, as usual, at the Speaker's right.

[English]

The Acting Speaker (Mrs. Champagne): Is the House in agreement that the division be taken by rows?

Some Hon. Members: Agreed.

The Acting Speaker (Mrs. Champagne): It is at this point that I should like to remind Hon. Members that the voting will begin with those Members who are in favour of the amendment in the rows to my right. I would ask them to rise by row and then those Members in the rows to my left. Later, I will ask those Members who are opposed to the amendment in the rows to my right to rise and end with those Members opposed to the amendment in the rows to my left.

The question is on the amendment.

The House divided on the motion, which was agreed to on the following division:

(Division No. 355)

YEAS		
Members		
Allmand	Gervais	MacDonald
Belsher	Gormley	(Kingston and the Islands)
Bernier	Gottselig	Graham
Blenkarn	Graham	MacDougall
Blouin	Gray	(Timiskaming)
Bosley	(Bonaventure—Îles-de-la-Madeleine)	Maidly
Bourgault	Grondin	Malone
Boyer	Guilbault	Mantha
Brightwell	(Saint-Jacques)	Mazanekowski
Cadieux	Hamelin	McCain
Caldwell	Hardey	McCrossan
Cardiff	Hawkes	McCursh
Clark	Hicks	McKinnon
(Brandon—Souris)	Hnatyshyn	Mitges
Cooper	Holtmann	Moore
Corbett	Howie	Nielhusen
Cossitt	Hudson	(Niagara Falls)
Crofton	James	Nickerson
Crosby	Jardine	Nowlan
(Halifax West)	Jelinek	O'Neil
Darling	Jepson	Ostrom
Daubney	Johnson	Pennock
de Corneille	(Bonavista—Trinity—Conception)	Pietz
Dick	Kaplan	Plourde
Domme	Kempling	Porter
Duguay	Kindy	Price
Edwards	King	Redway
Fennell	Ladouceur	Reid
Foster	Lanthier	Reimer
Fraleigh	Lewis	Ricard
Friesen		Robichaud
Garneau		Roman
Gass		Rossi
Gauthier		St. Germain

Scott
(Victoria—Haliburton)

Scott
(Hamilton—Westworth)

Shields

Siddon

Sparrow

Stackhouse

Stewart

Taylor

Thacker

Towers

Tupper

Turter

(Ottawa—Carleton)

Valcourt

Vincent

White

Wilson
(Swift Current—Maple Creek)

Winegard

Wise—107

NAYS

Members

Blaikie

Boudria

Caccia

Cassidy

de Jong

Dewar

Fulton

Jewett

Langdon

McLaughlin

Mitchell

Murphy

Nystrom

Riis

Waddell

Young—16

• (1830)

The Acting Speaker (Mrs. Champagne): I declare the motion carried.

Mr. Witer: Madam Speaker, I rise on a point of order. I was unavoidably detained and not here for the reading of the motion, but had I been here I would have voted in favour of the amendment.

Mr. Gauthier: Madam Speaker, the House may accommodate the Member if I were to put a suggestion. I think there would be unanimous consent to apply the vote just taken to the main motion.

The Acting Speaker (Mrs. Champagne): Is there unanimous consent?

Some Hon. Members: Agreed.

Mr. Witer: Madam Speaker, I would appreciate it if my vote were added to those who voted in favour of the amendment.

The Acting Speaker (Mrs. Champagne): The next question is on the main motion, as amended.

The House divided on the motion, which was agreed to on the following division.

(Division No. 356)

YEAS		
Members		
Allmand	Crosby	Graham
Belsher	(Halifax West)	Gray
Bernier	Darling	(Bonaventure—Îles-de-la-Madeleine)
Blenkarn	Daubney	Grondin
Blouin	de Corneille	Guilbault
Bosley	Dick	(Saint-Jacques)
Bourgault	Domme	Hamelin
Boyer	Duguay	Hardey
Brightwell	Edwards	Hawkes
Cadieux	Fennell	Hicks
Caldwell	Foster	Hnatyshyn
Cardiff	Fraleigh	Holtmann
Clark	Friesen	Howie
(Brandon—Souris)	Garneau	Hudson
Cooper	Gass	James
Corbett	Gauthier	Jardine
Cossitt	Gervais	Jelinek
Crofton	Gormley	Jepson
	Gottselig	

Business of the House

Johnson
(Bonaville—Trinity—
Conception)
Kaplan
Kemping
Kindy
King
Ladouceur
Lanthier
Lewis
MacDonald
(Kingston and
the Islands)
MacDougall
(Timiskaming)
Mailly
Malone
Mantha
Mazankowski
McCain
McCrossan
McCuish
McKinnon
Mitges

Moore
Nicholson
(Niagara Falls)
Nielsen
Nowlan
O'Neil
Ostrom
Penrock
Pietz
Poirde
Poster
Price
Redway
Reid
Reimer
Ricard
Robichaud
Roman
Rossi
St. Germain
Scott
(Victoria—Haliburton)
Scott
(Hamilton—Wentworth)

Shields
Siddon
Sparrow
Stackhouse
Stewart
Taylor
Thacker
Towers
Tupper
Turner
(Ottawa—Carleton)
Valcourt
Vincent
White
Wilson
(Swift Current
— Maple Creek)
Wingard
Wise
Witer—108

McLaughlin
Mitchell
Murphy
Nyström
Rios
Waddell
Young—16

The Acting Speaker (Mrs. Champagne): I declare the motion carried.

* * *

[Translation]

BUSINESS OF THE HOUSE

Mr. Guilbault (Saint-Jacques): Madam Speaker, may I ask the Government House Leader to tell us what business he intends to bring before the House of Commons tomorrow?

[English]

Mr. Lewis: Madam Speaker, in a further effort to pass Bill C-113, which is a great deal for western Canada and is being unnecessarily delayed by the Opposition, we will call Bill C-113.

[Translation]

The Acting Speaker (Mrs. Champagne): It being 6.37 p.m., the House stands adjourned until tomorrow at 11 a.m., pursuant to Standing Order 3(1).

The House adjourned at 6.37 p.m.

NAYS

Members

Blakie
Boudria
Caccia

Cassidy
de Jong
Dewar

Fulton
Jewett
Langdon