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TO THE THIRTY-FIRST DAY OF MAY, 1983

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Order Paper Questions

2. What amount was spent and is planned to be spent on joint federal-provincial demonstration projects for propane in transportation?
3. Are funds available to the departments to promote electric vehicle transportation and, if so (a) what are such funds (b) what proportion of the available funds has been spent?
4. What objective criteria are used to direct funding for promotion of one alternative transportation option in contrast to another?

Mr. David Smith (Parliamentary Secretary to President of the Privy Council): I am informed by the Departments of Energy, Mines and Resources and Transport Canada as follows:

1. The following amounts were expended under the Propane Vehicle Grant Program in the form of contributions to commercial vehicle owners:

September 1, 1981—December 31, 1981	\$ 243,600
January 1, 1982—December 31, 1982	\$ 6,013,120
January 1, 1983—March 4, 1983	\$ 1,819,600

Under the Federal Propane Vehicle Program, the following amounts were expended to convert federal government vehicles:

1981-82	\$ 770,000
1982-83	\$ 1,830,000

2. No funds have been spent on joint federal-provincial demonstration projects for propane in transportation, and there are no plans to spend any.

3. Yes: for electric vehicle transportation research, development and demonstration through the Transportation Development Centre of Transport Canada. (a) Expenditures were \$442,134 in 1981/82 and \$433,500 in 1982/83 (estimated to year end). In 1983/84, a similar level of expenditure is planned. (b) All funds made available have been spent.

4. Criteria for funding under the federal energy R & D program on alternative transportation include: the degree of support for energy policy objectives; the relative maturity of the technology; the potential market impact (including fuel consumption share); the potential for Canadian industry and economic benefits; and the degree of support for areas of responsibility under Transport Canada.

[English]

Mr. Burghardt: I would ask, Madam Speaker, that the remaining questions be allowed to stand.

Madam Speaker: The questions enumerated by the Parliamentary Secretary have been answered. Shall the remaining questions stand?

Some Hon. Members: Agreed.

● (1210)

GOVERNMENT ORDERS

[English]

BUSINESS OF SUPPLY

ALLOTTED DAY, S.O. 62—NON-CONFIDENCE MOTION—
AMENDMENT TO THE CONSTITUTION TO INCLUDE PROPERTY RIGHTS

Hon. Jake Epp (Provencher) moved:

That, whereas the Constitution Act, 1982 provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and resolutions of the legislative assemblies as provided for in section 38 thereof;

Now Therefore the House of Commons resolves that His Excellency the Governor General be authorized to issue a proclamation under the Great Seal of Canada amending the Constitution of Canada as follows:

PROCLAMATION AMENDING THE
CONSTITUTION OF CANADA

1. Section 7 of the Constitution Act, 1982 is repealed and the following substituted therefor:

"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."

2. The said Act is further amended by adding thereto the following section:

"60.1 A reference to the Constitution Acts, 1867 to 1982 shall be deemed to include a reference to the Constitution Amendment Proclamation, 1983 (property rights)."

3. This Proclamation may be cited as the Constitution Amendment Proclamation, 1983 (property rights).

He said: Mr. Speaker, it is a pleasure for me today to present on behalf of my Party a resolution to the House of Commons which, if passed in the House and the Senate and approved by seven Provinces having at least 50 per cent of the population, will become part of our Constitution. Members of the House will note that the wording is exactly that which was presented by the Prime Minister (Mr. Trudeau) to our Party last week. In a few moments I will deal with some of the history surrounding this question and what has led us to this present state.

I want to spell out for the House and for Canadians what the Government's commitment on property rights was back on July 9, 1980, when the Minister of Justice at that time, now the Minister of Energy, Mines and Resources (Mr. Chrétien), said when presenting the question of property rights to the Provinces. He said:

In deciding which rights should be included in this Charter we have selected only those which we feel reflect the central values of our society. Each of the rights we have listed is an essential ingredient for the Charter and all are rights which all Canadians should have regardless of where they live in our country.

We agree with those words. That was the Government's commitment to property rights at one time. That was there before the debate and the wheeling and dealing began. Suddenly, we found that that which was regarded as fundamental at one time or which was shared by most Canadians as being a value of our society, was suddenly not that. It was suddenly

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value of our society, was suddenly not that. It was suddenly not that when the Government began wheeling and dealing in its attempts to get its resolution through the House of Commons at earlier times.

Second, the overwhelming majority of Canadians favoured the inclusion of property rights in the Charter. There are historical reasons for that. Canada has always had the lure of the land. Its people have always had pride of ownership. That land has always given its people security of possession. It is fundamental to our country and is therefore one of the reasons that this Party has been so overwhelmingly and absolutely forceful in proposing the inclusion of property rights in the Constitution at every stage available to it.

The principle that property belongs to men or women is steeped in British common law. When immigrants came to this country there were two fundamental reasons for their coming here. One was the right to religious freedom and the freedom of thought which is now embodied in the Charter. Equally they saw economic freedom. That economic freedom was always embodied in the right to own property.

When I speak of historical reasons, I think it is well established within our own Canadian society that property rights are fundamental to a Canadian's view of himself and his rights as a citizen. In the British context, private property has always been historically associated with the development of free institutions. It goes back to 1215, when the Magna Carta referred to it. It is referred to in the Bill of Rights of 1627. We can refer to the United States Constitution, if we want to draw on the experience of our neighbours, in 1783. All these documents have reference to private ownership of land. They recognized that not only should these rights be recognized in fact, they should also be a constitutional reality.

The Universal Declaration of Human Rights, Article 17, includes property rights. The 1962 Canadian Bill of Rights enshrined the right to property. In fact, this House passed that provision at that time.

Today our amendment, which we are proud to move, will guarantee for ordinary Canadians that they will have the fullest protection possible of the right of ownership of property.

Some Hon. Members: Hear, hear!

Mr. Epp: We want that for Canadians. If the Charter is to have further meaning, it is for that reason, and others on which I cannot elaborate now, that we are again taking the opportunity to propose this amendment. Other Members of our Party will speak on the other fundamental reasons for our amendment.

What has brought us to this stage? I have already referred to the Government's proposal back on July 9, 1980. You will recall, Mr. Speaker, the number of meetings that took place that summer between the Provinces and the federal Government. In the October resolution presented to the House, property rights were suddenly absent. During the hearings of the Special Joint Committee on the Constitution, this Party again moved an amendment to property rights. In fact, it was

moved on January 23, 1981. At that time, Members will recall, the then Minister of Justice was not representing the Government at the Special Joint Committee. The present Solicitor General (Mr. Kaplan) was there, and he gave an unequivocal understanding and assurance, a Minister's word, that the Government would support a property rights amendment.

Strangely enough, when the Minister of Justice returned after the weekend to represent the Government at the Committee, the word was no longer the word of a Minister. It was gone, and consequently property rights have not been included in the Charter of Rights to this day.

It is interesting to note why the Government's commitment, which I have read into the record, had suddenly changed over a weekend. It was quite clearly understood that the reason it had changed was that the NDP had said that if the Government wants its support for this resolution it must take out property rights. The Government was willing to break the word of a Minister. It was willing to break the oath that a Minister gives. It was willing to embarrass the then Minister of Justice because it wanted the support of the NDP in the House.

Furthermore, the then NDP Government of Saskatchewan, which was then still sitting on the fence as to whether it would support the resolution, indicated clearly during that weekend that if property rights were in the constitutional resolution it would not support it. That is also an historical fact.

I remember those days very clearly when the Prime Minister would get up and say, "You want to bargain for fish, for what, for rights?" What was he bargaining for? He was bargaining property rights for support.

The Supreme Court also indicated in its ruling that the federal Government's resolution did not have sufficient consent among the Provinces.

But that is all history now. What is more interesting is what has happened in the last two weeks in the House. The Prime Minister was asked whether he would include property rights since April 17 marked the first anniversary of the patriation of the Constitution. He said he was willing to do it, but under what conditions? He was willing to do it in a one-day debate, and he wanted the support of only the Official Opposition. What has happened subsequently? Are we to believe the Government? Are we to trust it? We would like to trust it, and today we are giving them the opportunity to earn that trust.

While I cannot go through all the details because of lack of time, twice yesterday my House Leader asked the President of the Privy Council (Mr. Pinard) when the Government would bring forth property rights. We were suddenly noticing that the Government wanted more support than just from the Official Opposition; there was concern about the NDP. If the press is to be believed, the New Democratic Party's constitutional spokesman said that they are not opposed to property rights, per se, but "we are not so sure about the one-day debate". He might have been misquoted, and of course I will allow him to clear the record. However, the President of the

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Privy Council was asked whether he would bring forward the resolution, because in our minds we had fully complied with the Prime Minister's conditions. I want to read the statement by the President of the Privy Council into the record once again. You will find it in yesterday's *Hansard* at page 24961 as follows:

• (1220)

Madam Speaker, the answer to the question is no. I do not like to repeat myself. The same question was put to me last week; I have given a full answer. The answer to the Hon. Member's question is no, we have not changed our mind.

What is today before us is a confidence motion. It will have one of two effects. The Government may vote for property rights and finally fulfil its word. It will be interesting to see what the New Democratic Party will do, whether its Members will be in favour of the entrenchment of property rights per se. It will be interesting. We will wait for their word. The other possibility is that Government Members might say that this is a confidence motion and what we are asking them to do is to defeat themselves. Let me tell you, Mr. Speaker, there are a lot of Canadians who would enjoy that scenario.

An Hon. Member: Yes, 52 per cent of them.

Mr. Epp: But I want to make a proposal to the Liberal Government. Being a person that would like at best to make life as easy for the Government as possible, especially in view of the difficulties it is now facing in the country, the proposal I make is very simple. The vote is to take place on this resolution on Monday, right after Orders of the Day are called at 3 p.m. or 3.15 p.m.

The proposal is this. On Monday at 11 a.m. a Member of the Government might rise in his or her place and say, "We support our own resolution, the Government's resolution, and we will designate this day for the passage of this property rights clause." By Monday night we will finally have ended, at least in this House, this question of how the House divides on property rights. I make that offer to the Government.

Some Hon. Members: Hear, hear!

Mr. Nielsen: Try and weasel out of that one.

Mr. Epp: There are some aspects of the resolution which cause me concern. I think they should be put on the record. One is the question of fundamental justice versus natural justice. The best definition that I have been able to find on natural justice is by Reid and David. It is from a book entitled "Administrative Law and Practice." In Chapter 6 under the heading "Natural Justice", we find this definition:

Natural justice is a simple concept that may be defined completely in simple terms: natural justice is fair play, nothing more.

What we are asking for Canadians is fair play, Mr. Speaker, nothing more. What we are asking of the Government is exactly that, fair play. I say to Government Members, "Put action to your words."

The other charge that can be made is that we are foisting something on the Provinces. This Party obviously made quite a

case of that during the constitutional debate that that was not our right. The argument can be made that property, proprietary, rights are under provincial jurisdiction and, therefore, why are we accepting this motion?

Since the passage of the Constitution, things have changed somewhat. Not only are proprietary rights, for instance, in land. I do not think we have to spell that out. There are others. For instance, there are copyright laws which take us to the other jurisdiction and the division of powers. But after passage of the Constitution there is now a way to amend the Constitution. It is found in Section 38 of the Constitution. I will not quote it, but an amendment can be made by way of a proclamation and a resolution of the Senate and the House of Commons. That is the process we are starting today; that the House of Commons will pass the resolution, and we are hopeful Members of the other place will do the same, as will seven Provinces with 50 per cent of the population, whenever they have passed a similar resolution in their legislative assemblies, which will result in the amendment being enshrined in our Constitution.

We are pleased that Provinces latterly have come to the position we took in the Committee and that they themselves, including the Province of British Columbia, in a unanimous resolution, I understand—there is also one being proposed in the Manitoba Legislature by the PC Opposition—have agreed that we now enshrine property rights in the Constitution.

All we are asking today from the Government is fair play. All we are asking of the Government is to put action to its words. All we are asking of the Government is to restore the historical value that people have always placed on property. Lastly, we have even given the Government an opportunity to escape the evaluation of the people of Canada through an election by accepting the proposal I have made.

Some Hon. Members: Hear, hear!

The Acting Speaker (Mr. Blaker): Questions, comments.

Mr. Nielsen: Do you accept the offer?

Miss MacDonald: Is the Minister of Justice (Mr. MacGuigan) not accepting our offer?

The Acting Speaker (Mr. Blaker): Debate. The Hon. Member for Richmond-South Delta (Mr. Siddon).

Mr. Thomas Siddon (Richmond-South Delta): Mr. Speaker, the Hon. Member for Provencher (Mr. Epp) has put the resolution before the House this afternoon, but I would like to broaden to some extent the reasons why we in the Progressive Conservative Party now feel it is timely and essential that the offer made in the House by the Prime Minister (Mr. Trudeau) be accepted and supported by Members of all three Parties in the House.

I would like to refer to exchanges that took place in the House earlier this month. I shall quote from the undertaking which the Prime Minister made to Members present during

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Question Period on April 18, 1983. The Prime Minister's words will be found in *Hansard* at page 24576, as follows:

I will make an offer now which I hope that the Acting Leader of the Opposition will accept on behalf of his Party. If we can have all-Party agreement—I would not even say "all-Party agreement"—I would say that if we can have agreement of the Conservative Party to introduce an amendment on property rights and to pass it in 24 hours, I will undertake to do that, to convince the Minister of Justice that it would be done.

Later that day and in subsequent discussion, the Prime Minister even goaded Members of this Party to get on with making a commitment to accept the wording as first proposed by the Government during the summer of 1980 and subsequently by way of the Solicitor General's (Mr. Kaplan) acceptance of our amendment to the Constitution on January 23, 1981. The Prime Minister urged us, once again as recorded in *Hansard* at page 24578, by saying the following in reply to the Leader of the Opposition (Mr. Nielsen):

That is what is always lacking in the question of the Hon. Member—

The Hon. Member to whom he is referring is the Leader of the Opposition. The Prime Minister continued:

—any undertaking by his party to do anything except try to push the Government, but it never sticks its own commitment out. I would like to see it.

In other words, the Prime Minister was admonishing the Opposition and urging us to stick to our commitment. This is clearly what we have done in the House and it is embodied in the resolution before us today for debate.

Continuing with exchanges in the House, we note on page 24675 of *Hansard* for April 20, 1983, that in response to a request from the Prime Minister, the Leader of the Opposition gave the wording of the amendment which had been included in the amendment put by our Party to the Special Joint Committee on the Constitution on January 23, 1981. That amendment contained the following provision:

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 principles of natural justice.

In a paragraph further down on that same page of *Hansard* it is indicated that the Prime Minister responded by specifying the wording of the amendment to be accepted. It is identical to that put forward in our amendment on January 23, 1981, except for one slight change of one word, as pointed out by the Hon. Member for Provencher.

The amendment which the Prime Minister chose to accept reads as follows:

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.

If you look at the motion on the Order Paper today, Mr. Speaker, you will find that this Party has consented to the Prime Minister's slight modification, albeit with some reservations because, in our view, the term "natural" would imply that justice would be applied in a spirit of fair play. The Prime Minister's wish is that the word "fundamental" be substituted for the word "natural". This implies a more institutionalized interpretation of justice which we feel may abridge the interpretation of the clause. Nonetheless, this Party is prepared to accept, with that one slight modification, the amendment as

proposed in the House on April 20 by the Prime Minister which is before the House today in the form of a motion in the name of the Hon. Member for Provencher. Reading from the Order Paper, it is an amendment to Section 7 of the Constitution Act, 1982, which reads:

• (1230)

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.

We want to find out today what is the precise position of the Liberal Party on this question. We do not want any more game playing. The Hon. Member for Provencher put forward a very simple message whereby, if the Government wishes to avoid a confidence vote on the issue on Monday afternoon, we are prepared to have introduced to the House on Monday morning the same motion in the name of the Government and to pass it within 24 hours, by the end of the sitting day next Monday.

The people of Canada want to know, without any further debate or public discussion for which the NDP are calling, where Members of Parliament stand on one of the two fundamental rights that first brought Canadians to this country. It brought our forefathers and various immigrants to this country. It took them West. I am referring to the benefit of grants of land to build their own futures, to practise their religion freely, to speak freely and to realize the highest and best use of that God given land to which they then could feel entitled. We want to know now, or by Monday when the vote is taken, whether the New Democratic Party and the Liberal Party are prepared to extend to Canadians as free Canadians that right to ownership and enjoyment of property.

If we go back in history we find that not only the right to own and enjoy property is fundamental to Canadian history. As the Hon. Member for Provencher pointed out, it goes back to the time of King John, the Magna Carta and the constant struggle through history, which went hand in hand with the evolution of the parliamentary system and with the evolution of property rights and individual rights as a means of escape from monarchism, feudalism and the baronial entitlements, previous systems under which some citizens had many more rights, powers and privileges than others.

The principle of equality in a democratic society evolves around the fundamental right of individuals and citizens to be able to call things their own, to be able to say, "That is mine", whether it be a piece of land, a building, a business, an automobile, a diamond ring or the widow's lowly mite. We in this Party believe that the right to enjoy property is something that is inalienable and that Governments cannot abridge, except as provided for in the amendment, with certain provisions for justice to apply where the interests of the larger community might be offended against or restricted by the demands of a property owner to do something contrary to the well-being of those around that individual.

It is interesting that the Canadian Bill of Rights incorporated this provision. Mr. Diefenbaker had the foresight. In

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fact, he was even a little more generous. He said that these rights, including the right to own and enjoy property, should continue without discrimination by reason of race, national origin, colour, religion or sex. Human rights, including the right to own property, were thereby instated in the Canadian Bill of Rights. Because of the unusual flip-flop which occurred before the Special Committee subsequent to January 23, 1981, the Government opposite and the New Democratic Party conspired to constrict and limit those rights and to deny all Canadians that basic constitutional provision.

The New Democratic Party will argue that this is a provincial matter, but it is not solely a provincial matter. It is a matter of common law, which is as old as the parliamentary system. Now that the House, with the consent of the Senate and the approval of the British House of Commons, has adopted the Canadian Constitution Act, 1982, we have a provision to obtain consent of Provinces and to grant recognition of their autonomous right to engage in the process of constitutional revision through the amending formula, the very fair and proper amending formula which was established as a result of long days and months of debate. The amendment formula allows Provinces up to seven in number to be able to opt in to an amendment proposed by any other Province or by the federal Government. Such a constitutional amendment would not be adopted until seven Provinces, encompassing more than 50 per cent of the Canadian population, agreed along with the federal Government to such an amendment.

The point I am making is that there is nothing holding back Hon. Members of the House, if they truly believe in the significance and importance of the property rights amendment being incorporated in our Constitution. They can go ahead and not concern themselves with what the Premier of Alberta, the Premier of Ontario or the Premier of Manitoba might feel on the matter.

I would like to digress for a moment and just talk about what I feel the concept of ownership implies. Ownership really means that you have something. It does not matter whether or not there is a piece of paper that says it is yours. It is something, and if one needs to convert it to some other form of commodity, one can disperse it, sell it, trade it or barter it. When the Government tells us about these concepts of ownership couched in the phraseology of statism, such as our petroleum company, Petro-Canada, our airline, Air Canada, CBC or CDIC, it is perpetrating a hoax upon Canadians. We do not own anything merely because the Government says that it is sharing its generosity with all of us by establishing some Crown entitlement over a particular asset. We do not own it unless we have a piece of paper or an object which we can trade and barter to improve whatever it is we are trying to achieve in terms of the acquisition of our own resources or assets. We do not own Petro-Canada. We do not own Air Canada even though it was refinanced with some \$600 million. The Government issued a whole lot of shares to itself, but those shares are non-negotiable and meaningless because Air Canada was already owned by the Government of Canada. It

does not mean that because the people feel the quality of ownership they have the option to sell at their discretion.

Of course, there is a need for some over-riding powers in the interests of the community at large. That then leads to statutory provisions under provincial law for expropriation. Those expropriation powers have often been abused, particularly by the federal Government. One need only think about cases involving airport lands at Mirabel, Vancouver International Airport and Pickering. There are certain cases in my own riding regarding expropriation for the purpose of dike construction. Where a Government has the power of expropriation, it also has the power to send out a land agent to assess the worth of the property and then to stonewall and delay any action for years. In one case in my riding it has been going on for 25 years because the people whose land was being expropriated for airport purposes did not happen to be good Liberals. Senator Arthur Laing and a few others owned a lot of other interests in that area. The claims of these particular individuals were held up in the courts for 25 years and are still held up in the courts with a 1955 assessment of \$5,000 being offered for their land. Appeals are not being heard because the court system has not chosen to expedite the matter properly.

What I am saying is that the courts of Canada, in provincial and federal jurisdiction and under the direction of Governments as sometimes happens, although it is not supposed to, can in fact interfere in the expropriation process and ensure that citizens are not entitled to their right and proper due under the law.

• (1240)

This is one very important reason why this right has to be enshrined in the Constitution of Canada. I saw a constituent lose his family, his business, virtually his life, stand off the police with a gun and fight a municipality for five years, finally to be vindicated because his property had been expropriated improperly. You could never restore to that man the loss of his wife, family, health and all his financial resources because of the arrogant and ruthless way Governments set out to expropriate his land to build a dike.

There are provisions in this amendment, provincial statutes and provincial Bills of Rights, including that of the Province of Alberta, for these types of expropriations, to ensure that they are conducted in a spirit of fairness and before the courts of Canada, assuming that the courts are operating in the best interests of all citizens. To suggest that somehow the inclusion of this amendment would abridge the powers of Government is to evade the central issue and to make excuses for certain political philosophies in Canada according to which Canadians should not be granted the right to control and enjoy their own property. We should get to the point on this matter.

With reference to British Columbia, if I might be permitted another moment or two, during the constitutional debate it was made quite clear by the Leader of the New Democratic Party what was the position of his Party on this issue. It has not changed today, although a Premier friend of his lost an election overwhelmingly in the Province of Saskatchewan

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because the people in that Province disagreed with the stand he took on this issue.

I would like to quote what the Leader of the New Democratic Party said on January 25, 1981. That was the very key weekend when the Leader of the New Democratic Party induced the Government to flip-flop and to withdraw its support for the property rights amendment that our Party proposed at that time. The Leader of the New Democratic Party said then:

There's no way we can accept the constitutional resolution with that amendment in it.

The NDP fears the amendment could not only prevent provincial legislation restricting foreign owners—

If I might interject, you can get around this.

—but could hinder Governments wishing to nationalize industries as Saskatchewan did with potash and as Quebec is attempting with asbestos.

The Conservative amendment flies in the face of what we're attempting to do in the resource sector . . . tightening up management control—

That is really the nub of it. There is a certain political philosophy in this country that advocates mixed enterprise and distrusts and disregards the fundamental and historical role the private sector has played in creating wealth and opportunity for all Canadians. That other political mind-set is loathe to grant Canadian citizens the right to ownership and enjoyment of property.

This is why the debate today and the vote on Monday is so crucial. We want to find where the Liberal Party and its Leader, who is often put in the same boat with my friends to my left, truly stand on this issue. We want no more game-playing. We want to find out if they will support this very important initiative.

There is an important provincial election under way at the present time in the Province of British Columbia. The Leader of the NDP in British Columbia has now flip-flopped on his policies on mining to the extent that he is trying to cosy up to the mining industries which employ so many B.C. people whom he devastated so miserably between 1972 and 1974 by weaseling away from the property rights amendment question.

His adversaries, the other free enterprise Party which presently governs in the Province of British Columbia, was one of the first provincial Governments to bring forward and pass in its Legislature the same property rights amendment that we are debating here today. Therefore, we must put that in context.

The former NDP Premier of British Columbia is now trying to say he is all for property rights. It will be interesting to see what his colleagues from British Columbia who sit to our left have to say about that. One of his colleagues from Kootenay West (Mr. Kristiansen) spoke in the House at the time of the constitutional resolution. I do not have the exact quote, but I will paraphrase him. He said it was important that the question of resource ownership be maintained and that property ownership be maintained under Government control because it was the objective of Governments, to which he would subscribe to have the power to acquire property and to nationalize

industry and enterprise if it were deemed to be in the public interest.

The New Democratic Party in a recent policy paper, discussed and approved by that Party's branch in British Columbia, passed resolutions which essentially resolve that the powers of control over the mineral industry be abridged and over-ridden by the creation of a Crown-owned minerals marketing corporation by a provincial agency which would control the export marketing of coal. They would use a last-resort provision if private companies would not comply with their desire to stockpile or subsidize, that in such cases the Government, as a last resort, should have the power to recapture for the Crown the mineral rights where such a company refuses or ignores offers of such help.

The point I want to make is that that type of threat and intimidation against the private sector and the statist socialist philosophy that it reflects represent a genuine danger to Canadians. We have seen examples of it in the attitude and practices of the federal Government through the National Energy Program and its use of expropriation powers. We saw it in British Columbia under a previous New Democratic Party Government.

We want to find out between today and Monday where the New Democratic Party stands on this important fundamental issue. They cannot say they want to wait for the court of public opinion and hold public hearings. Their caucus came to a conclusion of that sort on Wednesday. We want to know where they stand on this issue. We know where the public stands; 95 per cent of the Canadian people agree with this Party on this motion. They want to see it reinstated in the Constitution of Canada so that we can get on with the important economic matters before us.

The Acting Speaker (Mr. Blaker): Questions, answers, comments.

Hon. Mark MacGuigan (Minister of Justice): Mr. Speaker, I refrained from rising after the address of the Hon. Member for Provencher (Mr. Epp) because I wanted to give the Members of the New Democratic Party the opportunity to put their position squarely on the record. I thought we needed it because the state of play with respect to the offer which the Prime Minister (Mr. Trudeau) made last week is that the Official Opposition has agreed to a one-day debate, culminating in a vote on this very important question, and the New Democratic Party has not yet given us a reply as to its position on this. We have been waiting for their reply to try to determine how to manage the business of the House effectively.

I am pleased to enter this debate to endorse the idea of an amendment to the Constitution which would provide better protection to the property rights of Canadians. I regret, and it is rather tragic, that the Official Opposition has put this proposed amendment to the Constitution in such a form that it is impossible for Members on this side of the House to support it. They have put it in the form of a motion of non-confidence. Obviously it is not possible for this side to support it. The Hon.

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Member for Provencher said the motion had to be passed by the Senate and the House. However, he posed it under a Standing Order that assures that if the motion were carried, Parliament would be immediately dissolved and, of course, there would be no consideration by the Senate of this important question.

● (1250)

The spurious device that he has offered us of somehow avoiding this question on Monday is not possible under the rules. If this motion comes to a vote today, it will be deferred until three o'clock on Monday. At three o'clock on Monday, whatever else the business of the House may be at that time, the vote will take priority. The greatest tragedy of this, with Members of the Opposition so shamelessly playing politics, is that without unanimous consent, they prevent us from considering this question again in this session.

Mr. Speaker, let me refer you to page 328 of Bourinot's. Bourinot's reads:

It is, however, an ancient rule of parliament that "no question or motion can regularly be offered if it is substantially the same with one on which the judgment of the house has already been expressed during the current session". The old rule of parliament reads: "That a question being once made, and carried in the affirmative or negative, cannot be questioned again, but must stand as a judgment of the house".

Mr. Epp: That is why you should introduce it first.

Mr. MacGuigan: The Hon. Member says that that is why we should introduce it first. But this has been introduced first. This has been introduced before we could obtain a reply from the Members of the New Democratic Party.

To continue to quote from page 329 of Bourinot's, it is stated there that:

—when a question has once been negated, it is not allowable to propose it again, even if the form and words of the motion are different from those of the previous motion.

Turning to Beauchesne's Fifth Edition, Mr. Speaker, reading from paragraph 416, it states:

(1) An old rule of Parliament reads: "That a question being once made and carried in the affirmative or negative, cannot be questioned again but must stand as the judgment of the House." Unless such a rule were in existence, the time of the House might be used in the discussion of a motion of the same nature and contradictory decisions would be sometimes arrived at in the course of the same session.

Beauchesne then quotes Bourinot.

Mr. Speaker, it seems to me that these rules make it impossible to carry out the device suggested by the Hon. Members because after three o'clock on Monday when this is voted on, this question, without unanimous consent, will not be dealt with again in the House during this present session.

I do not know why the Opposition would have chosen this course. I can only speculate that it wanted to put the Members of the New Democratic Party on the spot before the election in British Columbia takes place next week. Perhaps that is what motivates the Members of the Opposition. Perhaps the Official Opposition thinks it can persuade the Canadian people that, because Members of this side of the House have to vote against this as a matter of non-confidence, we are not in favour

of the substance of the motion. If that is their motivation, the Members opposite should know that the people of Canada will see through that device as well.

Whatever their intention, it is quite clear that the Members opposite are playing politics. Whether they are playing politics to get at the NDP or to get at our Party, or to get at both, they are playing politics with this issue that they consider to be so sacred, this issue that could have been dealt with effectively during this session of Parliament which they, by taking this parliamentary tactic, have now made impossible.

Mr. McKnight: Do it on Monday. You still have the opportunity to do it on Monday.

Mr. MacGuigan: If the Hon. Member does not understand that this cannot be done on Monday because this motion has to be voted on, which will preclude dealing with any other motion on the same subject, then he should consider this matter further.

Some Hon. Members: Oh, oh!

Mr. MacGuigan: Mr. Speaker, I suppose we know now why the Opposition is so sensitive about this question. For one thing, it would wish to avoid the discussion of any other constitutional subjects. Let me refer to the controversy that is going on within the Opposition Party on the question of opting out for Provinces with or without compensation. Mr. Brian Mulroney, one of the candidates for the Conservative Party leadership, says of the views of the Right Hon. Member for Yellowhead (Mr. Clark):

"To try to curry the favor of the Parti Québécois organization during a leadership campaign is dangerous to the candidate who does it, it's dangerous for the future of the party he seeks to lead and it's dangerous to the future of the united country he seeks to govern".

Mr. Mulroney said that this week.

The Right Hon. Member for Yellowhead is quoted as replying:

"Perhaps one of the disabilities of not having served in the House is that a man is not fully acquainted with the positions the party took."

Well, I wonder what the Right Hon. Member for Yellowhead would say about the positions taken by the Hon. Member for York North (Mr. Gamble), for instance, who takes the same position as does Mr. Mulroney in this debate within their Party. Of course, they would not want to have a discussion like that before Members of the House.

Even more than that, obviously the Members of the Opposition are pretty embarrassed about this situation. The Hon. Member for Provencher said that his Party has always at every stage been in favour of the inclusion of property rights in the protections of the Constitution. Well, that may have a certain logic, but it has no reality, because in fact they opposed the inclusion of all guarantees in the Constitution. They are Johnny-come-latelies as far as the Charter of Rights and Freedoms is concerned. They are trying to jump on the bandwagon now. They say they want the protection of property. They did not want the protection of anything, and it is only

Supply

because this Government stood firm that we now have a Charter and that there is even the possibility of considering the inclusion of property rights.

There is obviously no question of principle, taking the Opposition at its present position, dividing the Government and the Official Opposition when it comes to the constitutional protection of property rights. As recently as April 18, the Prime Minister made it clear in the House that he was prepared to introduce a motion for this purpose if the Opposition would agree to limiting the time for debate so that it could fit within the heavy schedule of the House. The Prime Minister also delivered to the Leader of the Opposition the text of a resolution for this purpose. The Leader of the Opposition obviously liked it because his Party has now introduced the same resolution but within a context of—

An Hon. Member: You are trying to make it sound as if it were your idea.

Mr. MacGuigan: I can say to the Members opposite that the text of the resolution was indeed our idea, but they have now introduced it within the context of non-confidence, which makes it impossible for Members of this Government to vote for it.

I do not think that this Government or this Party need any lessons from the Hon. Members opposite in the virtues of property or the importance of providing constitutional protection for it. If Members of the Official Opposition really want to promote the constitutional entrenchment of property rights, instead of bringing this motion here, they should talk to their political friends in the various Provinces who have consistently opposed such entrenchment in the past and obviously have very little enthusiasm for it today.

As for the Government, the present Prime Minister, as early as 1968 when he was Minister of Justice, strongly advocated the adoption of a constitutional Charter of Rights. In preparation for the Constitutional Conference of February, 1968, he published a booklet entitled "A Canadian Charter of Human Rights", which made the arguments for having certain rights entrenched in the Constitution. He also suggested a number of rights that should be entrenched, and among those was:

The right of the individual to life, liberty, security of the person and enjoyment of property.

That was in 1968, Mr. Speaker.

[*Translation*]

Mr. Speaker, a year later, as Prime Minister, he published *The Constitution and the People of Canada*, in which he again emphasized the importance of entrenching a Charter of Rights in the Constitution. I shall quote, if I may, what he said at the time:

To enshrine a right in a constitutional charter is to make an important judgement, to give to that right of the individual a higher order of value than the right of government to infringe it. The proposal of the Government of Canada embodies those rights most commonly protected by legislation in Canada, or in the constitutions and laws of other modern democracies whose ideals we share.

In the same document, he goes on to specify the rights that should be included in this Charter, and I note the right of the individual to use and enjoy property, with the assurance that there will be no deprivation of property except in accordance with proper legal procedures.

[*English*]

Mr. Speaker, may I call it one o'clock?

The Acting Speaker (Mr. Blaker): It being one o'clock, I do now leave the Chair until two o'clock this afternoon.

At 1 p.m. the House took recess.

AFTER RECESS

The House resumed at 2 p.m.

Mr. MacGuigan: Mr. Speaker, before we rose for lunch I was speaking about the position that the Prime Minister took in 1968 in favour of inserting protection for the enjoyment of property in the Charter of Rights that he was proposing.

For three years, from 1968 to 1971, the Prime Minister and the Government argued strenuously for the entrenchment of all these rights in the Constitution. In this they were opposed by many of the provincial Governments, most notably the Conservative Government, up to 1969, in Manitoba, the home Province of the sponsor of the motion. When a successor Government to that Progressive Conservative Government took power in the late 1970s, it followed exactly the same policy of opposition to the Charter of Rights. It finally became apparent that an agreement was impossible at that time on an extended Charter of Rights.

[*Translation*]

Mr. Speaker, you will recall that there was very little talk of constitutional reform during the 70's. In 1978, however, the Prime Minister once again took the initiative when he tabled in the House Bill C-60, the Constitution Act of 1978. The purpose of this Bill was basically to start the debate on the Constitution. In fact, it gave rise to very lively discussions both in Parliament and within the context of federal-provincial negotiations. Bill C-60 contained a Canadian Charter of Rights and Freedoms which guaranteed the right to use and enjoy property, without being deprived thereof except in accordance with proper legal procedures. The right recognized in this Bill would have come into effect for matters under federal jurisdiction but would not become effective in the provinces without the prior consent of the provincial legislatures. The Bill also provided for the possibility of enshrining the Charter in the Constitution once it had been ratified by a sufficient number of provinces.

[*English*]

We know pretty well what happened to that proposal. Once again the Provinces made strenuous objections, particularly the Conservative Government of Manitoba.

Supply

Once again agreement was made impossible on the entrenchment of property rights. After the Quebec referendum in May 1980, the Government again took an initiative. There were meetings throughout the summer of 1980 of Ministers and officials, and in July, 1980, the federal Government put forward a working draft of a charter which proposed the guarantee as follows:

Everyone has the right to the use and enjoyment of property, individually or in association with others, and the right not to be deprived thereof except in accordance with law and for reasonable compensation.

This proposal went on to try to reassure provincial Governments by saying that such a guarantee would not preclude the enactment of laws, saying: Controlling or restricting the use of property in the public interest or securing against property the payment of taxes or duties or other levies or penalties.

• (1410)

Although this proposal was carefully worded to try to meet the concerns expressed by provincial representatives, a majority of provincial Governments continued adamantly to oppose the inclusion of property rights in any charter.

So, Mr. Speaker, when the federal Government went to the first Minister's conference in September, 1980, to seek agreement on a package of constitutional changes, it put forward a revised draft of the Charter which did not include property rights because it had become apparent that a Charter which did include them had no chance to be accepted by the Provinces. Similarly, the Government introduced a resolution in October, 1980, that again followed the same pattern, but it was still hoped that a text could be found which would be acceptable to the Provinces. Therefore, a Charter of Rights and Freedoms was proposed in a weaker form than the Government would have preferred because it was trying to meet the objections of the provincial Governments and build a consensus through the work of the Special Joint Committee on the Constitution.

Property rights were left out not because the Government was opposed to the constitutional entrenchment of property rights, but because it could not find a national consensus in which a majority of Provinces would join in the entrenchment of property rights. That national consensus never emerged during the proceedings of the Special Joint Committee, and in fact it is not clear that it has yet emerged. But the Prime Minister has made it clear that he is prepared once again to take the initiative in proposing a constitutional amendment to entrench property rights and once again to invite the Provinces to give their support to this important change by submitting it for the approval of their respective legislatures.

This motion, Mr. Speaker, is one of political mischief of a destructive character.

Some Hon. Members: Oh, oh!

Mr. MacGuigan: If the Opposition had wanted to be politically mischievous in a constructive way, it could have

taken this up with provincial Governments of the same political stripe and urged them to support this kind of resolution.

Mr. Lewis: We trusted the Prime Minister.

Mr. MacGuigan: It would have been better had they been patient for few more days to enable the Government to bring forward the same proposal in the form of a motion to amend the Constitution. But by having done this today, Mr. Speaker, they have prevented this from happening. They give us specious arguments for meaningless procedures on Monday which they say would allow us to have this voted on in a different context. Once the question is put at 4.45 this afternoon, there is no way that this vote can be avoided except with unanimous consent of the House.

Mr. Siddon: Put it to the test.

Mr. MacGuigan: The action the Conservatives have taken today puts us at the mercy of the unanimous consent of the House.

Now, Mr. Speaker, we are prepared to give unanimous consent that this motion not be treated as a vote of non-confidence in the Government. If the Opposition were to make that kind of proposal and if they can get the agreement of the Members of the NDP, then obviously we are in a different ballgame. But they did not think of any of this beforehand. Instead of following the regular procedures, which would have allowed us to proceed without the necessity for unanimous consent, by moving this motion they know—

Mr. Epp: Methinks he doth protest too much.

Mr. MacGuigan: —and we all know that the NDP is not going to give unanimous consent.

Mr. Siddon: Let's find out.

Mr. MacGuigan: We will find out. If they can get unanimous consent, Mr. Speaker, we will be pleased to treat this as other than a motion of non-confidence.

Mr. Epp: We will accept.

Mr. MacGuigan: The Opposition did not make that proposal this morning; they made a specious proposal, and I am glad they are now undertaking to get the consent of the Members of the NDP to the present proposal. Political mischief, Mr. Speaker, of this destructive kind is hard to justify in a matter of such importance. They need not have done this. All they had to do was to wait a few days—

Some Hon. Members: Oh, oh!

Mr. MacGuigan: —when the motion would have been brought forward.

Mr. Bosley: We have been waiting for three years.

Mr. MacGuigan: As soon we had a reply from the NDP as to whether they would agree to a one-day debate, at that point the motion would have been brought forward. But they were

to play politics with it. They have debased this issue and the cause they pretend to support.

Mr. Munro (Esquimalt-Saanich): You have never done anything like that.

Mr. Bosley: Mr. Speaker, so that I am totally clear, is the Minister saying that the way in which he will support property rights is if he gets an agreement that the matter does not matter? In other words, if he gets agreement from both sides of the House that it will not be treated as a non-confidence matter, will his Members get up this afternoon and vote for what they say they believe in, that is, property rights?

Mr. MacGuigan: Mr. Speaker, if the Hon. Member had been here earlier he might have understood the matter. The point is that his Party has proposed a motion of non-confidence in the Government based on this clause. We on this side of the House obviously cannot support a motion of non-confidence in the Government. If they are prepared to put it in a different context, then obviously we would want to support the content of the motion. We are the ones who introduced it; it is our motion as far as the content is concerned.

Mr. Lewis: Mr. Speaker, just so that we are perfectly clear about this, if the Minister of Justice (Mr. MacGuigan) will come into the House on Monday morning at 11 a.m. with the same motion exactly, the Prime Minister's motion, and if the Minister of Justice will propose that as a Government motion, we will grant unanimous consent to that vote being held either immediately then or immediately prior to the recorded division on this non-confidence motion. Then, I submit to the Minister of Justice, the Prime Minister (Mr. Trudeau) will have what he claims he wanted, that is his motion; he will have had one day's debate and the question of property rights will be enshrined in the Constitution.

Is the Minister of Justice prepared to come into the House on Monday morning at 11 o'clock, ask for unanimous consent and take that route?

Mr. MacGuigan: Mr. Speaker, the Hon. House Leader of the Opposition still apparently does not seem to understand.

Mr. Epp: He understands perfectly.

Mr. MacGuigan: This is the same kind of nonsensical proposal put forward this morning. Once the question is put this afternoon, as a result of citations I gave from Bourinot and Beauchesne's, there is no way for us to avoid a vote except on the basis of unanimous consent. Now it is not for us to move unanimous consent. The Opposition has moved a motion declaring non-confidence in the Government. They are the movers of this motion. If they want to propose that it should no longer—

Mr. Siddon: You are weaseling.

Mr. MacGuigan:—that this motion should no longer be interpreted as the rules require, then we are prepared to agree to that.

Supply

Mr. Lewis: Mr. Speaker, the Minister of Justice referred the House to some citations. I would ask him if he has considered Citation 451 of Beauchesne's Fifth Edition which reads:

Sometimes the House may not be prepared to rescind a resolution, but may be willing to modify its judgment by considering and agreeing to another resolution relating to the same subject.

Would the Minister not agree that, using that Citation, if the Government does not accept what I suggest is a reasonable proposition as put forward, we might apply citation 451 of Beauchesne's and achieve the same goal?

Mr. MacGuigan: Mr. Speaker, obviously the House can do anything by unanimous consent. Therefore, if the Opposition is prepared to say that this motion of non-confidence is not a motion of non-confidence, we are prepared to accept that and have a vote on just the substance of the motion.

Mr. Epp: Mr. Speaker, the Minister has made a proposal. I believe he has done so in good faith. He would like to see the matter resolved, as would I. That being the case, to make sure that we do not debate and therefore have difficulty in terms of the exact procedure on the floor of the House, I am sure my House Leader and others would be willing to sit down with him and possibly we can resolve it this afternoon.

Mr. Siddon: Mr. Speaker, I think we all appreciated the lesson in history and the intensity with which the Minister engaged in debate and made his point. I only have one very simple question for the Minister, irrespective of the technical matters we have discussed and whether or not agreement can be reached to move this matter quickly through the House. I would like to ask the Minister if he personally favours the inclusion in the Constitution of Canada of the phrase "Everyone has the right to life, liberty and security of person and enjoyment of property and the right not to be deprived thereof". Does the Minister of Justice personally favour the inclusion of that phrase in the Constitution? I would like a simple yes or no answer.

● (1420)

Mr. MacGuigan: Mr. Speaker, I do not know what my personal preferences have to do with this, but I am certainly stating my personal preference as well as the Government's position when I say that not only are we prepared to see the inclusion of the enjoyment of property in the constitutional protections in the Charter but, as well, it was actually our idea. We were the one who brought it forward, and they agreed to our draft.

Mr. Siddon: Let us get on with it.

Mr. Hawkes: Mr. Speaker, I certainly remember the Liberal Party voting against it in the constitutional hearings and here in the House.

Some Hon. Members: Nonsense.

Mr. Hawkes: I would like to bring to the Minister's attention the fact that under the British North America Act, a

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jurisdiction is in fact a property held in right of the people who live in a particular Province. When we speak of provincial jurisdiction, we are speaking of provincial property in the broadest sense of the term "property". For instance, under the British North America Act, land and the control and use of land falls under provincial jurisdiction, and certainly that is in the sense of property. When we were forced to vote in this Chamber, we were forced to vote on an amending formula which did not include full financial compensation for Provinces which chose to retain their existing jurisdiction. As I am asking the Minister a question, I hope he is not leaving the Chamber.

The Conservative Party, federally, and eight provincial Premiers wanted an amending formula which would give them full compensation if they opted out of a jurisdictional switch. The Prime Minister (Mr. Trudeau) and the Liberal Party would not allow that to come before the House of Commons in the form in which the Constitution was finally passed.

Given this newfound concern for property, can we have a commitment from the Government that the full compensation clause, which eight Premiers wanted and which this Party wanted to protect provincial jurisdiction and the property rights of people in Provinces, will be included? Can we have the Minister's assurance that he will bring it back to the House so that very important aspect of property will be protected for the future?

Mr. MacGuigan: Mr. Speaker, I must admit that I thought the Hon. Member was making a speech; I did not realize that it was a question. That is why I was leaving for a moment for further consultation with my colleagues. However, now that I appreciate that it is a question, I would have to question, in turn, the position of his Party. He said that his Party is in favour of the right to full compensation in the case of opting out. In that case, I wonder what it is that the right hon. gentleman from Yellowhead and Mr. Mulroney are disputing and what it is that the Hon. Member for York North is disputing with the Hon. Member for Yellowhead. I understood that his Party was entirely split and that the two chief leadership contenders were split on this very question. Therefore, I do not know how he can say what his Party's position is. We do not know who his Leader is, so how do we know what his Party's position is?

Mr. Munro (Esquimalt-Saanich): I think he doth equivocate too much.

An Hon. Member: We have a Leader.

Mr. Fisher: Are we dealing with the western rump or the eastern rump?

Mr. MacGuigan: Our position on this matter is well known. We do not favour the right of opting out with full compensation. We did believe that we had a better amending formula. We had to give way on that in order to get the Charter, the Charter which our friends on the other side did nothing to get. They say that they had always wanted property rights in the

Constitution. I do not doubt that they wanted them as much as they wanted other rights, and that was not at all.

Mr. Broadbent: Mr. Speaker, I rise on a point of order on this matter of considerable interest to the people of Canada. One concern of our Party, among others, is that the process which the House has embarked upon is a complete abomination in terms of a traditional view of constitutional change.

Some Hon. Members: Oh, oh!

Mr. Broadbent: I hear the constitutional critic for the Conservative Party, the same man who, not long ago, argued that it was very important for committees of the House to hear constitutional amendments proposed, to hear—

Mr. Epp: We've done that.

Mr. Broadbent:—witnesses. As the critic for our Party will point out in just a few minutes, in the last 48 hours all kinds of groups across Canada have expressed deep concern about this matter, have expressed the desire to appear before a committee.

Mr. Munro (Esquimalt-Saanich): This is a speech.

Mr. Lewis: Will he come to a point of order?

Mr. Broadbent: If the two other Parties in the House are quite serious about the legitimate constitutional changing process in this country, involving some seriousness, some sober consideration of the issues involved, then I think they would agree that we should deal with the motion on the subject matter, that the matter would then be referred to a House committee, and that the committee would then listen to witnesses and report back to the House. There would be no expediting of the process, nor would there be any delay. It would be the appropriate thing to do concerning a constitutional amendment.

The spokesperson for the Conservative Party, its House Leader, has made reference to Beauchesne's Citation 451, under which it is possible to substitute a motion. If we could receive unanimous consent to do that, and I have one which is one the same subject matter and which would enable a committee of this House to deal with the issue, then all Parties would have an opportunity to express their views, to listen to witnesses and then to vote.

I give the assurances of my Party that we are not interested in delaying or expediting. We are respecting what we think ought to be done in terms of the proper rules of constitutional change. Therefore, I turn this issue right around to the Minister of Justice (Mr. MacGuigan), who ought to be concerned about this matter, and to the Conservative Party which, if it lived up to its name, in the authentic conservative tradition would not act with haste when making a serious change.

Mr. Siddon: It's been three years.

Mr. Broadbent: I would now urge the Hon. Member who is blabbering away to read Edmund Burke some day.

Mr. Siddon: Do a little polling.

Supply

Mr. Broadbent: In any case, on my part it is a very serious proposal. It could be done very quickly. I now simply await the responses of both the Minister of Justice and the Conservative Party.

The Acting Speaker (Mr. Blaker): Order, please. The Chair has a small difficulty: in the ordinary course of events, and pursuant to the Standing Orders, following the speech by some particular Hon. Member, in this case the Minister of Justice, a period of ten minutes is accorded for questions, answers and comments. I recognized the Leader of the New Democratic Party and did so, not so much because I accepted the idea that he was raising a point of order but, rather, because it was my view that the ten-minute period could be extended slightly to permit him to enter that period.

If there is to be a point of order, I would naturally ask the Hon. Member for Oshawa if he would state his point of order. If, on the other hand, he wants to continue the debate on behalf of his Party, then the Chair is quite obviously prepared to recognize him for the purpose of speaking on the subject matter of debate, and that would permit him to move any motion he desired. However, the Chair has noticed that some negotiations or discussions seem to be taking place outside the Chamber and some are taking place inside. I can only be responsible for those taking place inside.

[*Translation*]

Mr. Lachance: Mr. Speaker, on a point of order.

The Acting Speaker (Mr. Blaker): The Hon. Member for Rosemont (Mr. Lachance), on a point of order.

Mr. Lachance: I just want to point out again, Mr. Speaker, that it is not customary to discuss on the floor of the House aspects of the Standing Orders concerning the business of the House. I would like to suggest that perhaps representatives of the parties could, in the two or three hours remaining today, find some way to meet and discuss these propositions so that a proposal could be made before the House, which could then dispose of it, rather than having such discussions or negotiations on the floor of the House.

[*English*]

The Acting Speaker (Mr. Blaker): I think that the Hon. Member for Rosemont has made his point. Perhaps even better than—very well, perhaps better than the Chair has.

Some Hon. Members: Oh, oh!

Mr. Fennell: Be careful.

The Acting Speaker (Mr. Blaker): I wanted to avoid going too much into the problem.

Mr. Epp: We never do that in committee.

The Acting Speaker (Mr. Blaker): If there are discussions taking place outside the Chamber, the Chair can in no way have any influence on that. If Hon. Members want to have discussions within the Chamber, that is perfectly acceptable. I will recognize the Hon. Member for Oshawa, but at this point

I think I must recognize him in debate unless, of course, he wishes to state his point of order.

● (1430)

Mr. Broadbent: Mr. Speaker, I rise on a point of order. It is a well known tradition in the House that Members can rise on a point of order at any time to address a possible new concern that might obtain unanimous support.

I made a suggestion and I noticed that the Conservative House Leader seemed to be showing some interest in the proposition, if I understand the situation correctly. The Minister of Justice (Mr. MacGuigan) is nodding his head and showing some interest in the proposition as well.

With unanimous consent, I wonder if we could either continue the debate or suspend it for five minutes. We in this Party are open to either option. We could continue the debate and have another speaker rise to speak. We would be very happy to do that, and I see there is agreement on that process. We can continue with the debate and discuss this possibility in the meantime.

The Acting Speaker (Mr. Blaker): I believe I should seek the views of the House. Would there be agreement to the Chair suspending debate for ten minutes, or shall I recognize another Hon. Member?

Some Hon. Members: Carry on.

The Acting Speaker (Mr. Blaker): Then we are in the process of debate. The Chair will recognize the Hon. Member for Churchill (Mr. Murphy).

Mr. Rod Murphy (Churchill): Mr. Speaker, in the course of my speech I will introduce the motion that the Leader of our Party wishes to present. It is a proposal that would allow for a proper method of dealing with the constitutional amendment, and it is one that does not keep the public in the dark. It is a proposal that allows for those who have deep concerns about the process of constitutional amendments in this country to appear before a committee of the House and explain why they are in favour of or against the inclusion of a property rights amendment in the Constitution, or perhaps to suggest a wording for the amendment which would make the entrenchment of the right of property in the Constitution more acceptable. At the same time it would allow Government and other individuals protection from any abuse of property rights.

The NDP has always supported the right of Canadians to own their own homes and family farms. Home ownership and family farms are central features of the Canadian way of life. They are privileges enjoyed by Members of this caucus who own their own homes and their own farms. They enjoy that ownership of property. Throughout the history of the CCF and the NDP we have continually supported legislation which secured these rights against threats of high interest rates, the ruthlessness of banks and the uncertainty of the market.

Supply

The present proposal is of the utmost importance and demands the full attention of the House and the country. As a result of using this particular process, the Conservatives are doing a disservice to this debate. They are asking the House and the Canadian people to pass our first amendment to the new Canadian Constitution after a four-hour debate. They are saying to Canadians who are concerned about this issue that they have no right to come before a House of Commons committee to express their concerns. They are denying Canadians the right to petition the House of Commons with regard to their concerns because this motion will already have been dealt with. In the name of property rights they are denying Canadians every other liberty that they should have and do have in the Constitution. They have become the Party of property and not the Party of the people.

The legal definition of property is not that of a clump of land with grass on it. The legal definition of property is much more than that. The Conservatives are making a mockery of justice and truth when they rise in the House and pretend that the ownership of a family farm or house is being threatened without this provision being entrenched in the Constitution.

If we are to protect Canadians, we in the House of Commons must allow them to speak to their Members in the House of Commons and give us their opinions and concerns. Any attempt by the Official Opposition and any attempt by the Government to rush this through the House of Commons without that public participation will not be supported by this Party.

I find the whole procedure that has been used by the Conservative Party somewhat abhorrent. They have introduced a non-confidence motion which, by its nature, requires the Government to vote against it. Its purpose is basically to embarrass the Government. Our Party also has no confidence in the Government. We could take the narrow view that the only reason we would support the motion of the Hon. Member for Provencher (Mr. Epp) is so as to oppose the Government. That would be an option we could follow and it may be a consideration in the final vote.

I am more concerned that, by introducing this motion at this time, the Conservative Party is denying us in the House of Commons the right to deal with this matter again during the remaining part of this session. The rules of the House are quite clear that once it has been discussed and voted upon the first time, it cannot be reintroduced, even with new wording. I suggest that it is a plot against property for the Conservative Party to introduce this motion in this manner. The House is being subjected to political games, perhaps to help the Socreds win an election or lose an election in British Columbia. Certainly the Hon. Member for Richmond-South Delta (Mr. Siddon) gave a speech which had nothing to do with property rights but was strictly a paid advertisement for the Sacred Party in that Province.

We are concerned about property rights. We want to ensure that if we pass a new constitutional amendment, our first amendment, that it be one of which Canadians are proud and can understand and use. We should not pass a constitutional

amendment in four hours for the political benefit of one group or another in terms of what the immediate political expediency of the issue is. It is a matter that will not only affect us all, but all of our children, our grandchildren and Canadians for generations to come. A four-hour debate on this matter is completely unacceptable.

We are concerned about the contents of this amendment as well. If this amendment is passed as it is, will it prevent us from passing laws prohibiting foreign corporations from owning foreign land? Will it mean that data banks can collect all types of information on individual Canadians and be allowed to sell that information because it is their property? Will it mean that legislation cannot be passed to prevent foreclosures because the mortgage is the property of the bank? Will this prevent provincial legislatures from passing laws to protect the environment, enforce minimum wages or for the proper recreational use of lands? Will it prevent legislatures from reforming family law because it may affect property? Those are all questions that we have and which demand answers when we discuss property rights.

• (1440)

Many groups in our society have expressed concern about the quick passage of this legislation. Many of the speakers earlier somehow implied it was the New Democratic Party of Saskatchewan which stopped this from being in the present Constitution of this country. But let me read from the *Alberta Hansard* for April 19, 1983 the words of the Minister of Federal and Intergovernmental Affairs, Mr. Horsman. When talking about the Alberta Government's position he said:

—the debate made clear that the Government of Alberta's position is that the constitutional responsibility for property and civil rights being that of the Provinces, should properly remain there and not be entrenched in the Charter of Rights and thus become subject in any way to the control of the federal Government—

Mr. Siddon: That is their prerogative.

Mr. Murphy: The same Minister for the Alberta Government said, with reference to the last constitutional conference held basically on aboriginal rights, the following:

It is true that the case for inclusion was put forward by the Province of British Columbia at those meetings, but no extensive discussion took place relative to that matter. After a brief survey of the various Provinces, it was clear that there was very little support by other Provinces for inclusion of the subject of property rights in the Charter.

I think the point to be made is this. There are seven Conservative provincial Governments, including the Province of Ontario—

Mr. Baker (Nepean-Carleton): It speaks well for the country.

Mr. Murphy: —and there are enough provincial Governments under Conservative control that they can initiate and get the required provincial consent. They can do that. But they are not doing that. The Alberta Government is saying that there is not that desire among the Provinces. Those are Conservative Provinces.

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Let me speak to my other concern, Mr. Speaker, the concern that the public is being left out. We have received, as my Leader indicated earlier, telegrams and letters from the Canadian Civil Liberties Association, from other groups, such as the Ottawa Council for Low Income Support Services, from Legal Aid Societies and from Tenant Associations, which ask only one thing. They say that this amendment to the Constitution requires public input, parliamentary debate, before it is passed.

This motion is something that has resulted from a quick exchange between the Prime Minister (Mr. Trudeau) and the Leader of the Opposition (Mr. Nielsen), a high noon scenario over short time in the House of Commons when they threatened each other and called each other chicken, if you want to use that terminology, in order to pass this amendment quickly. If we had more notice there would be more groups in our society who would like to speak out against quick, undebated passage of this amendment.

Mr. Baker (Nepean-Carleton): Where do they stand on property rights?

Mr. Murphy: Those groups cannot be denied their request by this House, Mr. Speaker.

I see that my time is almost up. Therefore, I move:

That the motion be amended to strike the words after "Now therefore the House of Commons resolves" and substitute therefore the following:

"That it favours a constitutional amendment to entrench the principle of the right of Canadians to own their own homes and farms; that such entrenchment in the Constitution must embody wording which does not create new problems for Canadians; for example, for provincial governments and others who wish to ensure that the ownership of recreational land be restricted to Canadian citizens, or that good farmland be restricted to agricultural use only, or that labour rights, native peoples' rights or environmental protection not be jeopardized.

To prepare the ground for such an amendment, the House of Commons now resolves that the subject matter of property rights be referred to a committee consisting of representatives of all parties in the House of Commons, which committee will hold hearings to ascertain the views of interested groups and individuals."

The Acting Speaker (Mr. Blaker): I have, of course, heard the amendment proposed by the Hon. Member for Churchill (Mr. Murphy). I want to indicate to him that I have the most serious reservations as to whether or not such an amendment is acceptable. I will not give a ruling immediately because it may be that other Members may want to contribute to the subject or that there will simply not be enough time for further consideration.

In the first case, my objection would be that the two different paragraphs are contradictory to one another. My second objection is that it is not logically coherent in terms of the resolution put forward in the name of the Hon. Member for Provencher (Mr. Epp). What I have said serves only as a warning to the Hon. Member. In due course I may want to see whether or not other Hon. Members want to contribute to the subject. I will at that time give a ruling as to whether or not the amendment is in order. In the meantime, as a courtesy to the Hon. Member and to the House, the Chair will find no

objection if Hon. Members wish to continue debate including the proposed amendment.

Are there any questions, answers or comments?

Mr. McKnight: Mr. Speaker, I rise on a point of order. Could a copy of that motion be circulated immediately among Members so that we may be in a position to assist you if called upon?

The Acting Speaker (Mr. Blaker): The Hon. Member will see that I have just arranged that. I think we can ask the Chief of Pages to see that copies be distributed to all Members in the House at the moment and a further supply made available.

Mr. Malone: Mr. Speaker, I rise on a point of order. It is important to me, important indeed, that you give an indication as to when you will give your ruling on the legitimacy of the amendment. By way of a point of order I would like to put forward an argument that substantively changes the fundamental motion that we have and, therefore, it is not an amendment but a substitution of motions. If you are hearing those points of order now, I would want to put forward an argument. If not, how will we know at what time you will be hearing arguments, or are you signalling now when you will be hearing those arguments?

The Acting Speaker (Mr. Blaker): I appreciate the point made by the Hon. Member. I would suggest that the Chair take the motion under consideration for the duration of the questions, answers and comments period which relates to the speech made by the Hon. Member for Churchill (Mr. Murphy) together with that of the next speech made by an Hon. Member. At the end of that period, the Chair will give a ruling on the proposed amendment. That, I think, is something in the order of half an hour, when people will have time to consider it. The Chair is well served.

Mr. Siddon: Mr. Speaker, I have a question for the Hon. Member for Churchill (Mr. Murphy). I note that he dwelt at some length about the position of the Province of Alberta. That was interesting. Of course he realizes that each Province would have an opportunity to make its own determination of its position on this issue. His role is that of a federal Member of Parliament representing a constituency in the Province of Manitoba.

I would ask the Hon. Member for Churchill, because it is closer to his own heart I am sure, whether he agrees with the position taken by the former Premier of the Province of British Columbia, who is presently the Leader of the Opposition in British Columbia, when he and the New Democratic Party caucus agreed unanimously with the Government of the Province of British Columbia in adopting a resolution to amend the Constitution of Canada which contains wording identical to that of the resolution before the House today. Does the Hon. Member for Churchill agree with the Leader of the New Democratic Party in the Province of British Columbia who, with his caucus, gave unanimous support to a resolution

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to amend Clause 7 of the Constitution of Canada containing exactly the same wording as the motion before us today?

Mr. Murphy: Mr. Speaker, in response to the question of the Hon. Member for Richmond-South Delta (Mr. Siddon), it should be very obvious from the amendment which the Speaker has in front of him at the present time that we have presented a motion on property rights supporting the entrenchment of property rights, but also allowing the public of Canada a chance to participate. My Leader has already expressed in the House our view that we are not asking for many drawn-out hearings, thus preventing the debate from ending or preventing the matter from coming to a vote. We are saying that we must ensure, when we pass this first constitutional amendment, that it is practical and can be used, not something rushed through the House after a short four-hour debate.

• (1450)

Mr. Siddon: Mr. Speaker, I have a short supplementary question for the Hon. Member for Churchill. The Hon. Member has conceded that he does not agree with the support given by the former NDP Premier of the Province of British Columbia. Does the Hon. Member support the inclusion in the Constitution of Canada of the phrase, "Everyone has the right to life, liberty, security of the person and enjoyment of property," etc.? The reason I ask the question is that I think it is important for the House to determine whether the New Democratic Party still stands by the concerns its Leader expressed in February 1980 when he said that this amendment would deny Governments in Canada the right to expropriate and nationalize certain industries which they wish to nationalize for particular political purposes.

I think it is important for the New Democratic Party to come clean and tell the people of Canada why it is opposing this very important amendment. Once again I ask the Hon. Member for Churchill whether he personally supports the inclusion of the phrase, "Everyone has the right to life, liberty, security of the person and enjoyment of property," in the Constitution of Canada?

Mr. Murphy: Mr. Speaker, the Hon. Member for Richmond-South Delta seems to be unaware of the fact that most of the rights about which he is talking are already in the Constitution. The only one lacking is the enjoyment of property. We have said very clearly that we are in favour of having a property rights clause in the Constitution. We have said that. I have certainly pointed out in the debate that we wanted to ensure we have wording which is acceptable to Canadians and to the majority of the House of Commons and does not prevent Governments from acting.

I for one would be concerned that we ensure provincial Governments can still set aside land for recreational use. I hope that whatever we pass does not prevent that. Also I hope that whatever we pass does not give banks more rights than workers. I would also want to ensure—and I hope all Hon. Members of the House would want it ensured—that the individual maintains and retains as many rights or at least

equal rights to those possessed by men of property. That is our concern.

I do not know how often we have to say it for the sake of some Hon. Members, but we have said that we favour a clause on property rights in the Constitution. That is fairly clear.

If they are asking us whether we are willing to say yes to their proposal and yes to a short four-hour debate after which the first constitutional amendment would be passed, I have to express concern and say that I may favour the motion but I will certainly not allow it to pass after only four hours of debate and absolutely no public participation.

Mr. Fisher: Mr. Speaker, I have a short question for the Hon. Member for Churchill (Mr. Murphy). I have noted that our good friends across the way keep insisting upon the phrase, "The right to life, liberty, security of the person and enjoyment of property". Would the Hon. Member care to join me in a commentary on the phrase, "life, liberty, security of the person," as it relates to the petitions of the Hon. Member for Bow River (Mr. Taylor) who keeps calling on us to hang Clifford Olson?

Mr. Taylor: You want him to go on living.

Mr. Murphy: Mr. Speaker, that is an interesting remark, but I do not believe it belongs in the present debate. This debate is quite simply on whether or not the House of Commons will rush through and rubberstamp its first amendment to the Constitution. We have said—and we will continue to say it until it becomes clear to Members of the Conservative Party and some Members of the Liberal Party—that we do not want to pass a constitutional amendment in that way.

Mr. Malone: Mr. Speaker, Hon. Members of the New Democratic Party are trying to play a word game while practising a very different action game. I want to put a question to the Hon. Member for Churchill (Mr. Murphy). Since the time of the Magna Carta, property ownership has been re-enshrined in the Diefenbaker Bill of Rights and has been part of the concept and practices of the country. The concept in their amendment of owning their own homes and farms simply speaks of symptoms. Property rights is a concept far beyond that. Property rights implies the right to have first draw on the fruits of labour. The Communist Manifesto clearly lays out that one can extend to all citizens all privileges and all rights because if the state controls property then all other rights are for naught. What value is freedom of speech when the state owns every place where one can speak? What right is the freedom of assembly when the state owns every place of assembly? Surely the New Democratic Party should come clean and tell us that the reason it does not want property rights is that it wants the control of the state and it is willing to give Canadians homes and farms. Property rights go to the right of first draw on the fruits of labour. NDP Members should know that what they are doing is a socialistic scam on what has been a 700-year tradition in the democratic system of Parliament.

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Mr. Murphy: Mr. Speaker, the House gets treated to a lot of rubbish from time to time, and I suspect that is how we can treat those last remarks. The right of property has to be balanced by the right of individuals. We have heard people speaking in terms of property rights. I read an article in one of last week's editions of the *Winnipeg Free Press* that reported a mortgageholder saying that they have more rights to the assets of a company than the workers working there on the basis of property rights. That is something which scares me and that is something which we are saying must be clarified before we pass a constitutional amendment.

There are other concerns which have to be addressed when we are looking at the Constitution. At the present time there are things in the Canadian Bill of Rights which should be in the Constitution. One such thing is the inclusion of the right to a fair hearing. The provision of that right would protect Canadians as well. There are many protections which could be enshrined in the Constitution.

I wish the Conservatives would get off their rhetoric and actually help us. We are the ones who are trying. We are the ones who are introducing a motion which allows for the public to come and talk to us about their concerns about property rights and express why they would like them in the Constitution, and if we put them in the Constitution, we would like to know what wording would best suit the needs of all Canadians. That is reasonable. I hope the Conservative and Liberal speakers who follow me will support the proposal put forward by our Leader, the Hon. Member for Oshawa (Mr. Broadbent), that substitutes the completely unacceptable Conservative motion with something which will allow public participation and allow Canadians to debate for more than four hours the first amendment to the Constitution.

Mr. Bosley: Mr. Speaker, I have what I think even the Hon. Member for Churchill (Mr. Murphy) will find a simple question. Why does the Hon. Member's motion create two limitations to the concept of property rights? First, it defines property rights as only home ownership or farm ownership. In other words, it eliminates the right of someone who owns an office building to own it.

• (1:00)

Second, why does it not even entrench that limited right but rather say that it wishes to entrench the principle? Perhaps the Hon. Member would like to indicate why he believes that people who work in a building ought to have greater property rights than the people who own it.

Mr. Murphy: With regard to the first suggestion—

An Hon. Member: Where does it say that?

Mr. Malone: The Communist Manifesto says that.

Mr. Murphy: The last word from the Conservative Party suggest it was the Communist Manifesto. I have never read the Communist Manifesto. If he has, I will certainly take his expertise over mine.

Mr. Epp: Did you read the Regina Manifesto?

Mr. Murphy: In the amendment we have proposed, we talk about the principle of the right of Canadians to own their own homes and farms. Let us not restrict this to one definition. It is the whole subject of property rights. We have said that the whole subject must be sent to a committee of this House where all Parties will be participating and where Canadians can come forward and speak about their concerns. That is simple. I find it so obvious and necessary to the democratic system that I really wonder why these so-called defenders of property are afraid of the Canadian public. Why are they afraid to let the Canadian public come forward and talk about property rights? What is their fear?

Mr. Scott Fennell (Ontario): Mr. Speaker, when I was initially asked to speak in this debate I wondered how I was going to fill up my 20 minutes. After the last two speakers, my problem has been solved. This amendment, and I am sure your judgment will be sound, Mr. Speaker, has to be the greatest pile of garbage I have seen in my life. First, the Hon. Member wants to protect people's homes and farms, but he does not protect the people's sofas, stoves, refrigerators, cars or anything else. On the farms, the state can own the cattle, tractors, trucks and whatever else is around. This is absolute garbage. They are terrified that democracy is going to come back to Canada. They are terrified that we may get some democracy in this country. They like socialism as it has been practised over the last 13 years. They want to put this into another committee. It has been in committee for two and one-half years. We are respecting the will of the people. It is the lack of rights, about which the people of this country are concerned.

The Minister of Justice (Mr. MacGuigan) protesteth too much. He was terribly worried about his bedmates during the Constitution debate, that he could not cosy them along, so he will use any excuse to disrupt this debate. He was waiting for the NDP reply. I am sorry the Minister of Justice was not here to hear the NDP reply. I would like to have heard him ask some questions about it.

We placed this motion before this House of Commons because it is the will of the Canadian public to get this measure adopted, and adopted in one day as agreed by the Prime Minister (Mr. Trudeau) and the Leader of our Party. We worded it in such away as to respect the will of the people of Canada.

The one question I am asked day after day is when is there going to be an election. This would have been our opportunity to have an election, but that is not as important as getting the Charter changed to include property rights.

Mr. Evans: What have you been smoking over there, Scott?

Mr. Fennell: My friend for Ottawa Centre (Mr. Evans) is as close to the socialist left of the Liberal Party as you can get, so I can appreciate his comment. We have always had a yelling match because he does not like some of my views about individual freedoms and independent business. That is the other point I want to make.

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The Hon. Member for Kamloops-Shuswap (Mr. Riis) continually stands up in this House of Commons asking what the Government is doing for small business. His confreres stand up and say "We are not going to protect your rights, we are going to nationalize small business". Where are they going to stop? It is going to be "small business-Can, farm-Can, and every other "Can" you want to put in. This is disgraceful. The Minister of Justice then stands up and says that in 1968 the Prime Minister wanted property rights. When he talks about flip-flops, he is one of the greatest flip-flop artists we have ever had. He will flip and flop whenever he has to in order to move up in the polls. He brought in property rights because he saw the 52 per cent figure.

We were wondering how we were going to get to 55 per cent. I found out today that they have 19 per cent. They will drop 3 per cent, be down to 16 per cent and we will be up to 55 per cent. The speech of the New Democratic Party Member is absolute fodder for the next election. It gives me great joy that he came out and said the only thing you can own is your home and your farm. That will give me the total vote of the small business people and all the apartment dwellers in my riding who own their own furniture. I have eliminated the NDP in my riding with the help of the NDP. I am delighted they brought in that amendment, yet I believe it is garbage, and I believe, Mr. Speaker, you agree with me on that point.

Our Party is probably the sole representative of freedom left in Canada. *Libra* is the Latin word for freedom, and Liberals were for freedom at one point, but they lost sight of it for a period of time. They are trying to recover because they have looked at the polls. We have always been in favour of individual rights, individual ownership and individual freedom.

If you go back to the Diefenbaker Bill of Rights which my colleague for Richmond South Delta (Mr. Siddon) referred to many times during his speech, that is where we expressed very clearly what we wanted. We never changed our plan. We never stated we would remove property rights from the Constitution. We were always in favour of their retention. It was hard for me to stand up and vote for the Constitution because property rights were not entrenched, and I only did so because of my constituents' request. We were taking something away from the Canadian citizens.

Other speakers have mentioned that the Hon. Member for Provencher (Mr. Epp), the Hon. Member for Calgary West (Mr. Hawkes), the Hon. Member for Rosedale (Mr. Crombie) and the Hon. Member for St. John's East (Mr. McGrath) spent six months in committee bringing this forward as being very important to the people of Canada. It is not a matter for debate for another six months, six weeks or six days. This measure should be brought forward by the Minister of Justice at 11 o'clock on Monday morning. Let us put it to a vote, pass the motion and satisfy the will of the Canadian people we represent. Their voices must be heard in this House.

It is amazing how the Liberals and the NDP are now trying to negotiate how many days this should be considered in committee. This right to property was taken out to get NDP support. They knew we were not going to support it. They

know we were against it. Fortunately they may be getting a little bit of sense. It is amazing how they go up and down like a roller-coaster ride, flip-flopping. This is something of which they accuse us, but they are the greatest offenders. Their last budget, Mr. Speaker, was a classic flip-flop. They went from total socialism to extreme capitalism for multinationals, not for the little guy. They went right over. They took such a dramatic swing that they missed all of the little people in the middle. I do not think they did anything for the people that are really hurting.

• (1510)

I feel sorry for the NDP because they are between a rock and a hard place. The Member for Churchill (Mr. Murphy) bows in deference to the Premier of his Province. What about the Members from British Columbia? How are they going to go home and knock on doors next week when they are against property rights, while the Leader of the Opposition in British Columbia is for property rights? The people of British Columbia will not understand what it is all about.

Having a Charter of Rights and Freedoms that includes property rights is a part of our heritage. The Hon. Member for Crowfoot (Mr. Malone) brought up the Magna Carta, but I cannot go back that far. I look only to our basic rights and our heritage.

Mr. Malone: That is where it all began.

Mr. Fennell: I appreciate that. I know where it all began, but my memory is not as long as yours. I can only remember that my father had a farm and that I ended up with a farm. That is what I look at. That is our heritage. That is our freedom.

The Hon. Member for Crowfoot gave me some ideas but he has used most of them by now. One of his points is very important. I think the principle of property rights is symbolic of the effort we put into our lives, of the effort we put into our work, of the effort we put into owning things. One of his points was about the right of assembly and what would happen if the Government owned all buildings. As an example, the Government does own all buildings in Poland. I think the NDP should look at what has happened to the Solidarity Union. That union exemplifies what happens when there are no property rights. The NDP should keep that in mind; they are great supporters of the Solidarity Union. I am very supportive of Lech Walesa and what he has had to go through in an effort to bring democracy back to his country, even though he knows it is a lost cause. What happened in the Hungarian revolution? That happened because Hungarians were not allowed the rights of their heritage. Those rights were taken away. Why are the Russians so obedient? Because if they are not, they are shipped up to Siberia to make Ladas.

My main point is that property rights go beyond owning a home. Property rights include farmland, vacation properties for people who have worked hard and saved their money to buy a vacation home, small properties owned by businesses to manufacture products in Canada so they can put labels on

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those products that say "made in Canada". These property rights mean jobs in this country and job creation is what we must get down to. Furthermore, building houses means job creation.

Medium-sized businesses that are not necessarily listed on the public exchange are owned by groups of people. This is ownership of productive units that create jobs and profit and allow capital to go back into the country. Those are the property rights we are talking about. Investors who have a small piece of large Canadian corporations or multinational corporations have property rights too.

Trucking fleets such as Maislin do not own their trucks any more, they were given to them by the Liberal Party. But most trucking companies must own their own trucks. Those are property rights. If these rights are not entrenched in our Constitution, the police would be able to say: "You broke the law so we are going to take your trucks away from you." This must not happen because the trucking industry is a productive industry that creates jobs; driving jobs, mechanics' jobs, all kinds of jobs.

An Hon. Member: What about fishermen?

Mr. Fennell: My hon. colleague refers me to fishermen. They own their boats. If they were to break the law and the coast guard were to say, "We are taking your boats away because you really do not own them as there are no property rights," that would be a cruel situation.

I believe we must give Canadians back their confidence in the country. We have lost the confidence of investment in Canada, we have lost confidence in the country. I believe that entrenching property rights in the Constitution will quickly give Canadians back a feeling of confidence, a feeling of pride in their accomplishments, a feeling of pride in what they have to show for their hard work and for their blood, sweat and tears. It will give the veteran back a feeling of confidence in our belief that he went overseas to fight for our rights on our behalf. There are many people in Canada who are looking to find this feeling of confidence. The abominable legislation and budgets we have had to put up with over the last three years have brought on a lack of confidence.

Entrenching the property rights in the Constitution is only one thing that will help to accomplish this. We must guarantee Canadians their birthright. We must implement programs that will make property rights a reality. I am referring to those people who find it difficult to own a home. We must introduce tax provisions that will make it easier for them to own homes because nobody wants to live like a rat in an apartment building. I live in an apartment building in Ottawa. Though it is a very nice apartment building, it makes me feel like a caged rat. That is what happens to people when they live in apartment buildings.

Having regard to broadening the opportunity for ownership, I would like to see a move away from grants for small and medium business and a move toward a stabilized interest rate so that people do not lose their business because the Government and the world are experiencing a recession or when interest rates go up because the country has such a demand for money. In addition to property rights, we can introduce proper

legislation to encourage people to own property. Ownership is what it is all about. It is knowing that you have earned the money to buy property with your integrity, with your hard work, and with your blood, sweat and tears.

Earlier I referred to a flexible interest rate to protect industry from the tremendous increases we have seen over the last few years. Industry and small business cannot take that rise in interest rates. Grants are not really helping them. Another solution has been put forward in this House that I think should be explored, that is that the responsibility for that flexible rate could even be shared by the banks and the federal Government.

I understand the argument about provincial rights, but I think that here we are putting a blanket over the rights of all Canadians to protect the mobility of Canadians so that people will have the same rights no matter which Province they are in. For instance, if this is only passed by seven out of ten Provinces, those other three Provinces may not have basic rights entrenched in their Constitutions that are as good as we require. We talk about mobility under the Constitution. We must protect that mobility and give people an equal chance, wherever they are in this country.

I stress the importance of property rights because of my exposure to expropriation and the difficulties I have seen arising from expropriation. I know the Hon. Minister of Public Works (Mr. LeBlanc) agrees with me and has talked to me about this. Expropriation forces a great hardship on Canadians. I have seen people get seriously ill following expropriation; people who have had heart conditions, people who have ended up with ulcers, people whose families have split up because of expropriation. Expropriation means that you not only take their homes from them, you take away their way of life. Expropriation to me is a sour process, yet I know that expropriation is not easy and that no matter what you do, you can never satisfy everybody.

I have talked to the Hon. Minister about the difference between expropriation in the Pickering area and in the Mirabel area. He acknowledges that that was a problem. Basically it was a problem because the people in Pickering yelled louder. I think he would agree with that. The people in Pickering got a group together led by Charles Godfrey, a former NDP Member of the provincial parliament who is now a supporter and a member of my riding. He saw the light. He saw that they were reasonable people.

• (1520)

I do not want to drag this out, as the last speaker did with the junk he tried to put forward as to what they were going to give the people. We must move this through the House quickly and get an agreement to have property rights entrenched in the Constitution. We must give people a chance to enjoy what they earn by their sweat. We have to do it now, Mr. Speaker. We cannot delay for another six months because people want this right now. They are entitled to it, and they will re-elect us.

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The Acting Speaker (Mr. Blaker): As I indicated earlier, at this point, prior to the ten-minute period for questions and answers relating to the speech of the Hon. Member for Ontario (Mr. Fennell), the Chair will rule on the amendment proposed by the Hon. Member for Churchill (Mr. Murphy).

It is my intention to rule against the admissibility of that amendment. In fairness, therefore, if any Hon. Member wishes to give advice to the Chair in support of the admissibility of the amendment, I will hear that. I do not think there is much point in speaking in support of the Chair's finding that the amendment is not admissible. However, I do not see any Member standing so I shall proceed.

There is a minor difficulty with the amendment in that it was not seconded. I shall rectify that oversight by indicating that the Hon. Member for Humboldt-Lake Centre (Mr. Althouse) has seconded the amendment.

I would refer Hon. Members to the amendment itself. I find that the amendment is self-contradictory as between the first and second paragraphs. That in itself would be sufficient to dispose of it, but I want to go further and cover other aspects of the subject.

I would refer Hon. Members to Beauchesne's Fifth Edition, Citation 435.(1) which reads as follows:

It is not an amendment to a motion to move that the question go to a committee.

Citation 437.(2) says:

An amendment may not raise a new question which can only be considered as a distinct motion after proper notice.

It is in respect of the second Citation that I would refer Hon. Members to the ruling given by the Deputy Speaker on May 13, 1977 at page 794 of the House of Commons *Journals*. I want to quote a brief paragraph which is applicable to the situation:

The amendment seeks to widen the scope of the debate by asking the House, not simply to accept or reject the proposition contained in the main motion—

In this case the motion presented by the Hon. Member for Provencher (Mr. Epp). It continues:

—but to consider whether the Berger Report ought to be studied by a committee of this House. That was not part of the main motion. To my mind this is a new proposition.

That is the essence of what I find inadmissible in terms of the amendment of the Hon. Member for Churchill. It is not logically cohesive to the main motion, nor is it philosophically so. Accordingly, I have to find that it is not procedurally acceptable.

Mr. LeBlanc: Mr. Speaker, I want to ask the Hon. Member a very simple question. Although I agree with some of the sentiments he attributed to me, does he recognize that in some cases expropriation remains a tool preferred by those who are to be expropriated? Second, it is still a legitimate activity, accepted and put into legislation by this Parliament. Does the Hon. Member recognize that I did not really express a judgment on the Pickering and Mirabel differences? I would have to look at the file on those historical events in more depth if I were to make such a judgment.

Mr. Fennell: Mr. Speaker, it is a great honour to be able to answer questions from the Minister. He is extremely kind.

I was indicating the differences between Mirabel and Pickering and the pressure the Pickering people exerted compared to the lack of pressure by the Mirabel people.

I agree that expropriation must take place but it must be fair. It is a very difficult measure, and one I know the Minister said he would only use as a last necessity. The fact that there was too much land expropriated in one area at one time, is too bad. It fragmented the fabric of society. That is the kind of thing I was getting at. I do not deny that it must be used, but it must be used very carefully. I think the Minister appreciates that.

I have known some people whose land was expropriated who went to Florida afterwards, and others who are still farming, so there is a difference in different parts of the country. The economic values may be different and pressure groups can make the difference.

Mr. Althouse: Mr. Speaker, I noticed that the Hon. Member for Ontario gave a very good description of what happens when lands are taken. He said, and I quote, "People get heartsick; families break up sometimes; it is not just taking away a home but a way of life."

The reason I recall his words to him is that while it may be fine to go back to Runnymede to determine property rights in terms of common law, this is Canada and the original property was held not by dukes, earls and kings—it did not reside in the Crown but in an original people who in many cases watched that land taken away. They have become heartsick; they have had family breakups and they have lost more than just a home in seeing their way of life abolished.

Since the Hon. Member proposes a quick amendment to the Constitution on property rights, I should like to know how it will affect almost half the territory of this country which has never been ceded to the people of Canada or given in treaty by the original inhabitants of this land. Could we take a few months to find out what they think of our concept of property rights? Since this involves half the territory of the country, is it not important enough to spend more than four or five hours on it?

Mr. Fennell: Mr. Speaker, I should like the Hon. Member to come to my riding and see the Pickering Airport property, see the different homes and barns that have fallen down. I should like to introduce him to some of the families that have split up as a result of this so that he might understand the psychological damage. It has removed the fabric of a farming community. I know the Hon. Member can appreciate that. It removed that way of life for a part of my riding. That is sad. It is beautiful agricultural land.

The original land in Ontario was Crown land. I think within all of Canada the land was either Crown land or that vast part the CPR got. I am never too sympathetic toward the CPR for that reason.

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As far as natives are concerned, during the debate on the National Energy Program I spoke about the 25 per cent being held back for the federal Government. I think it should be held back for the original owners of the land.

If we put in property rights the argument might be put that a large portion of that land belongs to them. They are the people inhabiting it so why should they not own it and control their destiny as we do in the south? I do not see any difference. There is a great deal of land and it is not very viable economically, but if those people want to use it, make it productive, maybe that is what we should do. So I would be delighted to see that go through and accept your suggestion that native rights be respected.

• (1530)

Mr. Yurko: Mr. Speaker, I have a question for the Hon. Member for Ontario (Mr. Fennell). I want to put the proposition very carefully so he understands what I am getting at.

Section 7 of the Constitution is subject to the provincial notwithstanding clause. Therefore property rights, if entrenched in the Constitution, would be subject to the provincial notwithstanding clause. Therefore, every Province when it wished could pass an act providing a municipality with extensive powers for expropriation, providing the Government itself with extensive powers in terms of dealing with property irrespective of its entrenchment in the Constitution, and I happen to know this because we have had to deal very substantively with it in Alberta since 1972. Does the Member agree that the clause this House wishes to entrench in the Constitution of Canada should be subject to a provincial notwithstanding clause, because its meaning is substantively different depending on whether the answer is yes or no on this particular point?

Mr. Fennell: Mr. Speaker, that is a *non obstante* clause, the provincial notwithstanding clause you are referring to, that is true, but political pressure would not permit any provincial legislature to remove it from the Constitution. I do not know what the point is because it is not going to happen in the Provinces.

An Hon. Member: What about Quebec?

Mr. Fennell: It is not going to remove anything. Quebec is a different situation. I am talking about Alberta. This is not changing anything in Alberta. The point I made earlier is that it gives mobility to people anywhere in Canada. Even Alberta has it in its Bill of Rights, as you must know.

[Translation]

Mr. Claude-André Lachance (Rosemont): Mr. Speaker, I think this is not a very auspicious moment for me to speak to the motion tabled today by the Member from Provencher (Mr. Epp). From the exchange of comments that took place about forty-five minutes ago between the Leader of the New Democratic Party, the Minister of Justice (Mr. MacGuigan) and

several Members of the Official Opposition who are supporting this motion, I think it is clear that discussions are now going on in an attempt to find a neat way around a serious procedural problem, and I shall get back to this in a few moments. Parliamentary practice and the rules of debate in the House are such that we must be recognized by the Chair in a certain order, and when I decided to speak in this debate, Mr. Speaker, what was relevant this morning is perhaps less so at this time, and may no longer be relevant at all in an hour or an hour and a half, assuming that discussions between representatives of the three parties will result in an agreement which, once again, would enable us to resolve the problems described earlier by the Minister of Justice.

In fact, what is rather curious today, is that we are not having a debate on the substance of the motion—nonwithstanding various nuances, comments and problems raised mainly by Members of the New Democratic Party—so much as a debate on form, and not on the form of the motion as such but on the procedure followed by the Progressive Conservative Party to discuss this matter in the House.

Mr. Speaker, I would like to point out, if I may, that the Progressive Conservative Party is treading a very dangerous path. In fact, if I wanted to be nasty, I would go so far as to say or to accuse them of political irresponsibility. In any case, if a proposal is made later today for resolving the dilemma with which Hon. Members are faced at the present time which may explain the noise we are hearing in the House any agreement will have to be ratified by unanimous consent. We all know that since 282 Members sit in the House and each Member has the right to speak and to speak freely, there is always a risk that one Member may decide to withhold his or her consent.

What would happen if the House did not give unanimous consent to a proposition that might be made in a few moments? If that were the case, we would again be in a procedural mess, which was clearly explained by the Minister of Justice. And exactly what is the issue, Mr. Speaker? Aside from all the considerations underlying this debate, considerations that are ideological, sociological, legal, historical, symbolic, constitutional, and so forth, there are also, unfortunately, considerations relating purely to parliamentary procedure. The Opposition has decided to move this motion as part of the Business of Supply on a so-called Opposition day, and even went so far as to insist on a vote, which it did not have to do, a vote that by definition is a vote of no-confidence in the Government. As a result, aside from our individual opinions on either side of the House, we cannot do otherwise but to divide according to the principles of confidence, with Government Members supporting the Government, especially since this is a matter the Government itself decided to put before the House, with the Opposition dissociating itself from the Government and supporting the motion since it is their own.

Therefore, by definition, we shall divide on a question of confidence, although we agree on the substance of the motion,

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and since we have a majority Government, if all goes as it should, the motion will be defeated. What happens then, Mr. Speaker? The Minister of Justice gave some indication of that himself in his speech, but I would like to say it again. The rules of the House are very specific in this respect. There is an old Parliamentary rule that goes back almost to the stone age, namely, that when a question has been decided on by the House, the same question may not be reintroduced, in the form decided by the House, during the same session. Beauchesne has already been quoted. I shall, if I may, refer to Bourinot, Fourth Edition, page 328, paragraph 9, where he refers to *Renewal of a question during a session*. Some reference was made to this a few minutes ago.

It is always possible to introduce a much different motion which would be basically the same as the one previously defeated in the House. Then again, Mr. Speaker, a Member could still argue that the motion is, for all practical purposes, basically the same as the one already disposed of by the House, which could lead to a long debate as to whether this new motion is in order or not as it basically reflects one which was previously defeated. I must therefore say once more, and that is why I wanted to take part in this debate in the first place, that the procedure followed by the sponsor of this motion, as well, of course, as by his party, is extremely dangerous because, even if these negotiations, which are very delicate since there is no unanimity on all elements of the motion, were to be successful, if only one Member refuses to give his consent, we shall automatically be faced with a non-confidence vote at 3 o'clock on Monday afternoon. Obviously, the government would have to vote against the motion at that time, and this would automatically mean that what most of us want to do, mainly entrench property rights in the Constitution, could no longer be done during this session.

The procedural aspect is therefore a matter of substance and not simply of form, because the procedure followed by the Opposition in debating this motion could lead to a Parliamentary deadlock which, and I emphasize this point, would prevent us from re-introducing a motion to do what we all want or what the majority of us want, namely to entrench property rights in the Canadian Constitution.

In any case, Mr. Speaker, I hope that reason will prevail when the time comes in a few minutes or half-hour when someone rises to submit to the Chair the wording of an eventual agreement that might break this deadlock.

I would like to use the little time left to me to say a few words about the substance of this motion. I said at the outset that I am basically in favour of what it proposes, and so I am. I believe that, for various reasons, including those I gave earlier, it is probably a good thing to entrench the right to the enjoyment of property, even though nothing would be changed since this right already exists. Reference was made to the common law. Reference was also made to our whole legal history, from the Magna Carta to the Star Chamber and the quashing of

general mandates by the British courts a few centuries ago, and because of all this history, property rights are sacred in our legal system. These rights exist. We would therefore not be granting new rights, but even if this does not change the law as such, it is important symbolically, as the previous speaker said, to recognize the value of this right which is fundamental in our society and to entrench it in our Constitution.

• (1540)

Many considerations are involved. Of course, there are ideological considerations as collectivism runs counter to ownership and property rights. We live in a society which is not collectivistic and where property rights exist. I believe that we must not only recognize this fact but also proclaim it, because this is a characteristic of our society of which we are proud. Of course, there is also legal considerations—I mentioned some of them earlier—not because this creates a new right, but rather because, by entrenching it in the Constitution, even though the Hon. Member for Edmonton-East (Mr. Yurko) suggested that this provision would be subject to the notwithstanding clause, we would give rise to a major political debate, and in his reply, the Hon. Member for Ontario (Mr. Fennell) was partly right in expressing the wish that this right, if entrenched, would at least prevent obvious abuses and infringements by the various jurisdictions, whether provincial or federal. A proper public debate would therefore have to take place beforehand. Naturally there are strictly constitutional considerations, and here is one of them: will these constitutional rights, because they are constitutional, and these property rights, because they are constitutionally enshrined, take on a special meaning which will give Canadian courts the impulse they may need to look beyond their own jurisdiction and put them in their appropriate sociological context? Considering that none of the cases now before the courts have been referred to the Supreme Court, I would suggest that we all hope that in the next few years the Supreme Court will be called upon to rule on the interpretation of several provisions of the Canadian Charter of Rights and Freedoms. We hope, I repeat, that the highest court in the land will set the Charter of Rights and Freedoms in an appropriate judicial context which will transcend the restrictive interpretation it gave to the Canadian Bill of Rights. But, of course, it is an issue which has yet to be defined because it will be up to the courts themselves to assume that responsibility which they might possibly prefer not to take on.

And of course there are psychological considerations as well. As one of the previous speakers said, the property right is the fact that once you are home, you feel well, you feel secure, you like to be there and fully enjoy that right. I think we should not minimize that aspect, the hope of Canadians to become homeowners. When you talk about property—and I must admit that the NDP Members were right on in their amendment which the Chair ruled out of order, Mr. Speaker—you

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mean a home, your house, your property. But that goes beyond those considerations, and anything which becomes a property acquired in the normal course of events must indeed be protected against undue encroachment by the state.

So that the NDP Members may be reassured—and I do not quite understand what prompted them to introduce their amendment to the motion—they should keep in mind the fact that Section 1 of the Charter itself provides that certain limits to the full enjoyment of all those protected and enshrined rights may be prescribed by duly constituted and elected bodies when such limits are normal within the structure of a democratic society. I should think that nobody can object to the fact that certain restrictions must be applied on the full and sometimes undue exercise of property rights when it goes beyond reasonable limits.

For all those reasons, Mr. Speaker, because I think that the Constitution is properly balanced—first, Section 1 which provides for those restraints, second, the notwithstanding clause and, third, the fact that even if enshrinement does not guarantee anything more in terms of rights, at least it gives special significance to that enshrined right—for all those reasons, I think it is altogether fitting that, the Charter having been in force for one year, the House should now agree to consider enshrining that new right. We have, of course, to keep hoping because it is a beginning or an impulse given to the mechanism of constitutional amendment. Let us hope that the Provinces will be willing to support that measure. We all know that if they were to refuse to do so, we would be unable on our own to attain that entrenchment, provided we can solve the problems or the procedural imbroglio now under consideration. I hope that once that resolution is passed under one form or another the Provinces will be willing to participate in that process and that, eventually, the property right will be entrenched in the Constitution.

[English]

Mr. Robert Wenman (Fraser Valley West): Mr. Speaker, individual rights and privileges are at the very heart of a democratic and free society. The nature of Government is such that even though a Government is democratic, the very passage of law tends to erode and regulate against individual right and privilege in favour of collective rights and collective privileges of the community itself. Most law tends to be restrictive rather than opting for a broader freedom of choice.

• (1550)

Because of the tendency of the democratic process to erode freedom of choice and individual rights and privileges rather than enhance them, it is essential that the right to ownership and enjoyment of private property be entrenched in the Constitution. This is particularly true now since we have a written Constitution. Prior to the written Constitution property rights were possibly better protected under common law.

Property rights are not just a constitutional expression. They stand for much more because they are a demonstration of philosophical intent and indicate the nature and direction of the Government and how Canadians really view their basic values. In this sense, property rights are more a statement of philosophy and value.

Since we could have a democratic society in which there is no enjoyment of ownership of private property, that right of ownership is at risk when it is not enshrined. The degree of that risk depends upon the values expressed by whichever Government may be in power from time to time. Without constitutional protection, that particular philosophy which ebbs and flows could abuse and destroy this very basic right of private ownership of property. I would not want to see these rights subjected to the whims of one particular Party in power, either federally or provincially.

British Columbians assumed that private property was in fact intact under the old unwritten Constitution under common law. However, within weeks of being elected in 1972, one of the first philosophic values that the NDP Government brought in was to have expropriation without even compensation.

Some Hon. Members: Oh, oh!

Mr. Wenman: That was in the first bill that came before the British Columbia legislature.

Mr. Robinson (Burnaby): No.

Mr. Wenman: It is true. That expropriation without guaranteed compensation contained in that bill was forced to be withdrawn. Public outcry forced them to change it.

Mr. Robinson (Burnaby): Mr. Speaker, I rise on a point of order. Will the Hon. Member be prepared to accept a question?

[Translation]

The Acting Speaker (Mr. Lachance): The Hon. Member for Burnaby (Mr. Robinson) is rising on a point of order? The Hon. Member has the floor. This is not a point of order. As the Hon. Member is no doubt aware, speeches by Hon. Members are followed by a question-and-answer period, and he will be able to speak at that time.

[English]

Mr. Robinson (Burnaby): Mr. Speaker, I rise on a point of order. The Hon. Member knows that he is misleading the House. The first legislation brought before the British Columbia House was—

[Translation]

The Acting Speaker (Mr. Lachance): This is debate, and I think the Hon. Member will have an opportunity to discuss the matter later on. Furthermore, this does not constitute a point of order. The Hon. Member for Fraser Valley West (Mr. Wenman) has the floor.

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[English]

Mr. Wenman: What a foolish point of order. I said in my speech, if the Hon. Member will listen—and I see I have his attention now—that one of the first steps within the first few weeks—

Mr. Robinson (Burnaby): You said the first one.

Mr. Wenman: It was certainly the first one that caught the attention of the public in British Columbia. I know why he is sensitive though, because along with many other British Columbians I began a movement and the whole Province took fire. Busloads of people went to the legislature and we changed that legislation and then defeated the Government as a result of that legislation. We went to the British Columbia legislature and held conferences with 23 out of 28 MLAs at that time. We asked them if they were in favour of private ownership of property and 18 out of those 23 said outright, no, and the other five hedged somewhat. That occurred when they were fresh from victory and had gained new power.

We now know that private property can be threatened in Canada through our legislatures and our House of Commons by an NDP type of Government, whether it is found in British Columbia, Saskatchewan with threats to its land prior to the last election, or Manitoba.

We have talked today about the need for urgency. There is a new urgency in Canada and particularly in British Columbia because that same premier, with the same hacks that were there that many years ago, are now challenging the Government in an election on May 5.

Mr. Fisher: Are you saying they are going to win?

Mr. Wenman: I do not know if they will win or lose but I do not want to take a chance for the people of British Columbia or Canada. It is a perfect example of how much at risk and open our Constitution is. It could be threatened as soon as May 5 or May 6. That former Government in British Columbia still holds that basic philosophy and it is rising again. The rest of the political spectrum such as the Liberals and the NDP, are trying to become more conservative. They are trying to rush to our position.

The legislation which was introduced in British Columbia did not only include a person's home for expropriation, it included a person's car, tractor, and all real property. It could be expropriated without compensation under that Bill. We now see how far the NDP has come since 1972. They are now willing to let us own our own homes and farms. They have come a long way.

The Government of British Columbia initiated this legislation because it saw what the NDP would do in British Columbia and Canada and did not want to take that chance. The British Columbia Government was the first to call for this piece of legislation and I support them for that.

I can understand why the New Democratic Members from British Columbia are so concerned now, because they know that this amendment will force a debate on this issue in British

Columbia, require the former premier to take a stand which will unmask their intent, as does this particular disgusting amendment.

Mr. Robinson (Burnaby): They are talking about health care in British Columbia.

Mr. Wenman: The property rights of all Canadians are at risk at this time. We are in danger, because just before I spoke here, I saw again—

Mr. Murphy: Halleluiah!

Mr. Wenman: You are darn right, halleluiah!

It is about time we protected our basic rights. You are darn right it is. If you do not stand up for property rights, stand up and tell your constituents that. I want them to hear you say that.

An Hon. Member: Speak to the Chair.

Mr. Wenman: Of course I am speaking to the Chair, Mr. Speaker. One of the Liberals asks if I would charge the Chair over property rights. I have once, and if I had to do it again I am sure that I would.

These very basic values must be upheld and enshrined and that is what the fight was about. We can see that the NDP and the Liberals are worried. They are being unmasked; what will they do?

Although this is a Friday afternoon, this issue is one of the most important and basic ones to come before the House of Commons. It is a very serious issue and one about which Canadians are concerned. They want to know where we stand. I hope that Members of the New Democratic Party will stand up and indicate whether they are in favour of private ownership of property.

Mr. Robinson (Burnaby): You should have run for the Secreds.

Mr. Wenman: I would like to see if they will in fact state, those who are ideologically as far left as the Hon. Member for Burnaby (Mr. Robinson), that they support and uphold the right to private ownership of property. I would like to see the Hon. Member stand up in Burnaby and say that he is not in favour of the private ownership and enjoyment of property. I would like to see him do that. If he would do that, he would not be back here and that would please me too. As a human being I would like to see him here, but with his political philosophy that does not support the private ownership of property I would just as soon not have him here.

• (1600)

The constitutional debate of 1981 saw the Liberal-NDP coalition vote against the entrenchment of property rights in the Canadian Charter of Rights and Freedoms. The Conservative Party fought ardently for the inclusion of property rights because we recognized that one of the inherent flaws in entrenching a Charter of Rights was the potential exclusion of

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certain fundamental principles and values. One of the major objections and disappointments I had over the finalization of the constitutional process was the lack of a provision to entrench property rights.

If we do not entrench property rights this country will be much the poorer for it, and we will see the poverty and the non-production situation that we see in the socialistic nations of the world like the Soviet Union and others under their collectivization and non-ownership of property.

On September 21, 1982, the British Columbia Legislature unanimously passed a resolution calling for entrenchment of property rights. I must add that was unanimously passed. The New Democratic Party in 1972 would not support this concept but changed its mind. That Party wants to win an election.

Mr. Robinson (Burnaby): We are going to win.

Mr. Wenman: But the thing that is so dishonest is that the NDP then brings in a motion, and here is the old NDP socialist philosophy of non-ownership, which refers to the home and farm only. The limitations are coming.

Because British Columbia put this initiative forward, because I am a Member of Parliament for British Columbia and because I support this concept so strongly, on January 21, 1983, I placed the following motion on the Order Paper for consideration.

Motion No. 83:

That, in the opinion of this House, the Government should consider holding a constitutional conference to discuss amending the Constitution Act, 1982 so that Section 7 of the Canadian Charter of Rights and Freedoms reads as follows:

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

Most recently, on April 18, 1983, the local council of the community I represent in Langley, B.C. passed a resolution that property rights be included in the Constitution. Broad support for this concept exists at all three levels of Government in an expression of grass roots support across the Canadian spectrum from the municipal to the provincial to the federal.

I urge municipal councils across Canada to listen to this debate this week, and each municipal council close to the people know they want this property right, and should call for resolutions of support from municipal Governments in order to get those property rights entrenched, as Langley, B.C. has done, and as I hope Surrey, B.C. and other councils across B.C. and Canada will do.

Property has been a fundamental concept in the tradition of parliamentary democracy and western democratic philosophy from the ancient Greeks to the classical Liberals such as John Locke, Jeremy Bentham and John Stuart Mill. John Locke was the first to make the case for property of unlimited amount as a natural right of the individual, with precedence over the rights of Government. In fact, Locke's primary justification for the existence of limited Government was its role in protecting unlimited property for the individual.

I would much prefer this resolution to read "as a natural right". I would much prefer that it were in keeping with the

definition I have just read, because the natural right is a broader protection than the fundamental right. I would prefer that it were there, but I am accepting the compromise because I am desperate to have this entrenched while we have the agreement, and again, as I have mentioned earlier, because of the threat to property that an election of an NDP Government in British Columbia would pose as early as next week.

Mr. Fisher: They might win.

Mr. Wenman: Hopefully in a democracy, any time there is an election and Parties are running, one Party wins. Otherwise, there would be no point in having an election and you would not have a democracy. That opportunity is certainly there.

Mr. Siddon: The Liberals do not understand that.

Mr. Wenman: One of the factors as to whether or not the NDP will win in B.C. will be how the NDP responds to the Government and the Opposition Motion in the Parliament of Canada. The Leader of the New Democratic Party (Mr. Broadbent) can substantially influence how B.C. will react and what will happen in British Columbia. If this debate on this amendment is any indication, he has done the damage we anticipated would come from the basic position that says no property rights for Canadians in this natural sense I have just described.

Property as a natural right in the Lockean sense therefore means unlimited ownership. This amendment is limited ownership, considerably limited ownership. Is this the definition of natural justice that the Liberal Government is putting forward? I wonder whether someone from the Government or the Minister intends to define what they mean by the limits to the enjoyment of property? Is the Minister going to assure us that he is going to use the word "ownership"? I would like to have seen in the motion the word "ownership", just to have an indication of that little extra piece of guarantee. I would prefer to have seen in the motion another word, the word "private". I would like to see both the words "private" and "ownership" included. I feel the motion is incomplete without them, but again in a parliamentary sense I must accept some measure of compromise.

The American Constitution is based to a large extent on Lockean principles; Article V (5) states that no person shall "be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use without just compensation." Article XIV also guarantees property through due process of law. The American Constitution has a double guarantee.

The Rousseauan concept of property also derives from natural right but states that property of a limited amount that a man could work on by himself was a sacred right while unlimited property was unjustified because it deprived most men of any property at all and therefore contradicted natural right.

Jean Jacques Rousseau's philosophy was a prime force behind the French Constitution and the declaration of the

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rights of man, which states that property is an inviolable and sacred right.

I wish somewhere in our Constitution we had chosen the words "sacred and inviolable right" from our French heritage. That is how the French Constitution sees it. I have spoken of the American Constitution and the French; ours is kind of a weak middle.

Article 16 of the French Constitution of 1793 also provides that the right of property is a natural result of the fruit of one's labour and industriousness.

I would hope, as people will look at this debate in the future that they will keep that in mind as one of the intents expressed here, that the right of property is the natural result of the fruit of one's labour and industriousness.

The Constitution of the Federal Republic of Germany, a more modern document, also guarantees in Article 14 Section 1, property and the right of inheritance.

Other philosophers have addressed the issue of property, and their views have formed the basis of certain nation's Constitutions. Karl Marx in the Communist Manifesto indicated that ten steps had to be taken for the advancement of revolutionary communism and the dictatorship of the proletariat. Step number one was "the abolishment of property and land and application of all rents of land to public purposes." The Soviet Union and other socialist-communist states work on the precept of state ownership. The inherent fallacy of this approach to ensuring equality is that the deprivation of fundamental rights and freedoms of the individual by the state leads to repression and tyrannical oligarchy and the degradation of human essence.

Any limitation on freedom limits the ability of individuals to freely express themselves and create, prosper and grow to the benefit of themselves and their society. Society is best served by the free expression of the individuals within it, not by the state dictating to individuals what is best for society. Any limitation of freedom of the individual detracts from society as a whole.

The historical precedents of the British parliamentary democratic tradition is a far superior method for obtaining justice and equality. We in Canada are incredibly fortunate to be enriched by this heritage as part of our founding.

• (1610)

The first major constitutional pact in the western world was signed in a meadow called Runnymede in 1215 by King John, the bishops and the barons, and it was deemed the Magna Carta or Great Charter.

This historical document arose primarily out of the concern for property rights and has had an impact of enormous proportions on the evolution of our way of life and system of Government. In fact, the very root or basis of the fact that we exist today in this format involves the issue of property rights. It is from this historical basis that we draw for definition in determining what our society constitutes and how we should live our lives in relation to our fellow citizens.

I can see Mr. Speaker indicating that I am out of time. Indeed I regret that time is so short in this debate at the request of the Government, but in the hope of getting the protection through as quickly as possible I accept that provision and look forward to speaking on the matter in other forms of debate.

The Acting Speaker (Mr. Blaker): Questions. Answers. Comments. Debate.

Mr. Douglas Fisher (Parliamentary Secretary to Minister of Finance): Mr. Speaker, I am very grateful for the chance to say a few words in this debate. I know the people in my riding are very concerned about the question of their property rights. I simply want to add my own support to the idea that property rights should be included in our Constitution in a sensible and intelligent way.

When the debate was going on about the Constitution from 1980 to 1982, I received a steady stream of inquiries from business people, home owners, real estate people, developers and even our own city council, asking whether I supported the inclusion of property rights in the Constitution. I told them all that indeed I supported a proper recognition of such rights in the Constitution. I think it is important for us to put property rights on a par with other basic rights that we enjoy in the country. Such a move, putting property rights in our Constitution, would recognize the high importance which all of us place on the ownership of goods and lands and, more important, it would recognize the need for due process when the individual and the community have different opinions about the treatment of property.

I do not think people want an absolute veto by property owners, but equally they do not want the community or society generally to run roughshod over a specific property owner. Therefore, with that balance in mind, I favour the inclusion of some comment in the Constitution.

I have always been gratified by the fact that the Prime Minister (Mr. Trudeau) and the Government have placed property rights as a high priority on their agenda. When we ran into difficulty in 1980 during negotiations, the Prime Minister made it clear that he intended to bring up this matter as quickly as possible. This spring when he was challenged in the House of Commons about his timetable, he indicated that he would like the issue settled by the summertime. I think this indicates the Government's high priority for the issue. Again that is something people in my riding will find reassuring.

I would like to read the amendment before us today. It is an amendment to Section 7 of the Constitution Act, 1982, and 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 Prime Minister, the Government and Hon. Members on this side of the House are in agreement with that point of view. I am not sure whether those are the specific words with which we would end up, but in that phrase there are proper balances

between the rights of the community on the one hand and the rights of the individual on the other.

In 1980 when we were trying to launch the Constitution we proposed precisely this sentiment. We put this idea before the Canadian people and the Premiers. During that period we received some pretty serious objections, particularly from the Provinces. We had a simple choice. We could have pushed property rights and lost everything, or we could have accommodated the Provinces, reached a compromise and had other equally important rights permanently enshrined. It was a practical choice. It was the kind of decision people are forced to make in Government. Obviously, with the practical solution in mind, we dropped the contentious area in order to get the majority of the issues passed. Then we followed our promise and continued to seek a way to include this clause in the Constitution. We compromised and backed off during the 1980 period. Then later we promoted the idea and pursued every opportunity for it.

I am not a lawyer, but I have been assured that under federal law and federal jurisdiction Canadian taxpayers already have a great deal of protection of property rights. For example, the Diefenbaker Bill of Rights has not disappeared. It supplements the Charter of Rights and Freedoms and the Constitution. The protection provided in the Bill of Rights affects all federal legislation. Of course the courts have to weigh the two because the Bill of Rights is legally regarded, I am told, as one law among many. However it is an important guide to the courts and it provides an important window into federal thinking and priorities. When a taxpayer is faced with an attack on his property rights from the federal sector, at least he has recourse through the Bill of Rights, and if not that, the later version in the Charter of Rights and Freedoms.

Of course provincial jurisdictions can override the Diefenbaker Bill of Rights in their own area. This was graphically demonstrated by the Hon. Member for Fraser Valley West (Mr. Wenman). I have no idea whether his specific examples are accurate, but certainly he showed some potential courses of action. The Diefenbaker Bill of Rights could never be used as a defence by a citizen in a provincial area because it is limited to federal jurisdiction.

As additional protection for taxpayers there were also legal precedents in the common law which we have heard discussed today to help ordinary citizens who have concerns with the federal jurisdiction. We would like to make that tougher. Along with Hon. Members of the Conservative Party we would like to see this enshrined in the actual Constitution so that all law in every part of the country—federal, provincial and municipal—is filtered through a screen of protection for the property rights of ordinary citizens.

I have listened to some of the claims in the House today. I think they have been badly overblown. Comparisons of Canada with Hungary, comparisons of one Party's political platform with the writing of Karl Marx or such arguments are really hysterical and I think rejected by the vast majority of Canadian voters. Property owners today are not under seige. Instead

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we are seeing an opportunity for improvement of an already good situation. I think that is laudable.

I think examples which compare the New Democratic Party of British Columbia with Poland, as we heard one Member say, or with the writings of Karl Marx, degrade the argument. I think people who use those lines of thought should be embarrassed, but unfortunately they are not. People who are watching this debate or will read about it in the future will be a little confused by the nature of the discussion today. They have heard me agree with it. They have heard other Hon. Members of the House agree with it. They must wonder why we in the Government are so concerned and why we will not vote in favour of this motion if in fact we support it.

• (1620)

It is because some parliamentary clumsiness has occurred on the part of the movers of the motion. I am surprised because one of the most clever parliamentary strategists and tacticians is now the Acting Leader of the Conservative Party. I thought he would recognize that he puts his Party into a lamentable situation today.

What do we have here? We have a motion of non-confidence. That is a fact which the Government can never escape. When there is a motion of non-confidence, no matter how laudable the content, that motion must either be defeated or the Government must be prepared to hold an election. Today the Conservative Party would like to see an election. They are riding pretty high. We could have one wing of the Party running Quebec under Mr. Mulroney, one wing of the Party running Ontario under Mr. Davis, another wing running the Party on the Prairies under the leadership of their former leader. Who knows, they may even have one wing being run in the Arctic under the leadership of the present Leader. They could have a lot of leaders for different parts of the country.

The Government does not think it would be all that wise to go ahead with an election today. On that basis, we will be forced to vote against this motion. That would not be such a bad thing. It would not be so bad to defeat this motion if it were only limited to a small embarrassment. That is where the trap begins for the Conservatives. That is where their clumsiness comes in. They would love to give us a small embarrassment and leave it at that. We could live with that. They are here to oppose and embarrass, something they are pretty good at. I suggest they continue to do that. We will govern and they can embarrass. We can rely on their experience in that quarter.

The issue, however, has ramifications beyond this one small embarrassment. The Prime Minister made a pledge but with their manoeuvre the Conservatives have closed that avenue. Earlier today the Minister of Justice (Mr. MacGuigan) said it would be impossible for the Government to defeat this motion and then bring it back in. We cannot do that. We cannot manoeuvre in a satisfactory fashion in order to get around the trap laid by the Conservative Party. The Conservative Party's clumsiness forces the Government to either have an election on

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this issue, which would ruin the issue because it would die right away, or wait until a new session of Parliament is called. I do not believe Canadians want to wait.

In their anxiety to embarrass the Government, the Conservatives have potentially threatened the very idea that all of us support. We have the pledge of the Prime Minister to progress with this issue before we leave for the summer. However, the way this motion is phrased prevents us from following through with that pledge. That is sloppy homework on the part of the Tory Party.

I believe the Hon. Member for Provencher (Mr. Epp) genuinely wants this issue addressed in the Constitution. I do not think he objects to embarrassing me and the Members of the Government. He likes that, thinks it is great sport, but he does not want that sport carried to the point where it would kill the very issue. He does not want to throw out the baby with the bath water.

By introducing this as a non-confidence motion, the Conservative Party is forcing the Government to vote against it, effectively closing off avenues of debate over the rest of the spring. I think they were delighted when the Prime Minister offered action a week or so ago. We were happy about it.

The Members of the New Democratic Party did raise a legitimate point when they urged some caution. They say there are some questions to be clarified. Reasonable people know that. Reasonable people see that it is all right to send something to a committee for a little bit of second thought. Reasonable people know that provincial Premiers and municipal leaders and all kinds of interested groups would like to express an opinion.

Mr. Baker (Nepean-Carleton): Name one.

Mr. Fisher: The Hon. Member asks me to name one. I would say that the Government of Prince Edward Island would probably like to be represented here and follow through with their established practice of warning us about their special circumstances. That Conservative Government would like to warn us. It should be given the chance.

The NDP has been right in urging us to go carefully, not to trample into this because of our basic enthusiasm. We can preserve our enthusiasm. We do not have to capitulate. We should be careful and give it some thought.

What we have is a bit of a box. In their enthusiasm, the Conservatives are trying to force the issue too much. The Government has no choice but to oppose the way the issue is presented. We support the issue but we oppose the tactic being used today. We do not agree with the absolute refusal of the NDP to provide any protection, but we agree we need some second thought and more study.

I understand that the various Parties have been negotiating on this issue and will try to present an alternative. I wish the negotiators well. I hope they do not come up with a trap similar to the one we are experiencing because people in my riding would like to see this issue carried forward without a lot of fooling around.

The Acting Speaker (Mr. Blaker): Questions, answers, comments?

Mr. Bill McKnight (Kindersley-Lloydminster): Mr. Speaker, in rising to take part in this very important debate, let me say I and many other Canadians have been waiting overly long to have property rights entrenched in the Constitution. Considerable time and effort went into the Constitution. Witnesses from all across the country spoke of the necessity of putting property rights into it.

I see the Hon. Member for Mississauga North (Mr. Fisher) is leaving. With the unanimous consent of the House, I would now like to introduce the following motion:

That the motion now before the House be taken without being considered as a motion of non-confidence and that at the conclusion of this day's sitting, the motion shall be deemed to have been referred to the Standing Committee on Justice and Legal Affairs, that the committee shall report thereon no later than June 7, 1983 and that the said report shall be disposed of no later than June 30, 1983.

The Acting Speaker (Mr. Blaker): May I explain to the Hon. Member and other Hon. Members that I had understood and had been given official information that a different motion would be presented. I will have to ask for the indulgence of the House while we ascertain the admissibility of the present motion. While doing that, perhaps the Hon. Member could continue his remarks.

Mr. McKnight: Mr. Speaker, I had hoped for the unanimous consent of the House in presenting this motion in order to get out of what the Hon. Member for Mississauga North described as a box.

Looking back at the constitutional debate, we do not see the need for additional committee hearings. I draw to the attention of the House that the committee which studied the Constitution in 1981 and 1982 sat for 57 full days. We debated the matter of sending the resolution to the committee for 15 days in the House of Commons.

• (1630)

Mr. Speaker, the original resolution was debated in this House for 29 days. The resolution as amended in this House was debated for ten days. That is a total of 54 full days of debate within the House of Commons plus the 57 days within the Committee. I believe that anyone who was concerned or wished to express a view opposing property rights certainly had ample opportunity to do so within that time period.

When I look at the motion presented by the New Democratic Party, which was ruled out of order. I look upon it with some suspicion. I am sure that, with the group of advisors I saw in the lobby available to the New Democratic Party, and with the Clerk of the Table at the disposal of the New Democratic Party, if they favoured any form of property rights being put in the Constitution of Canada they certainly could have done so in a form that would have been found acceptable.

The proposal of the New Democratic Party does not say that they wish to entrench property rights within the Constitution of Canada. It says that they wish to entrench the principle of

property rights within the Constitution of Canada; only some principles of property rights and only some property rights. When I read the motion which only extends to the people of Canada the right of property for a house and a farm, I wonder what happens to the mines of Canada that are owned by individual Canadians. I wonder what happens to the timber reserves, or if they are considered farms owned by individual Canadians. I wonder what happens to business dwellings that are owned by individual Canadians, and on and on. I wonder what happens to the implements and tools that are used to produce goods which are not protected as property of individual Canadians.

Within the context of property rights, there must be a principle that states that property rights are important to the well-being of the democratic process because, Mr. Speaker, if you are without the ability to own your own property, and through that property either derive protection or derive an income, you are without the benefit of an economic independence that creates the opportunity to carry on a democratic Government within Canada.

When we look at the history of the property rights question as proposed, when we go back in time to the amendment that was put forward by the Progressive Conservative Members within the Constitutional Committee and when it was placed there in good faith—Mr. Speaker, are you motioning to me?

The Acting Speaker (Mr. Blaker): I was not motioning to the Hon. Member but perhaps I may. In order to be of some assistance to the House I was about to indicate that I should interrupt the Hon. Member to seek the unanimous consent he would require in order to proceed and to succeed in his goal.

I do not want to read the motion again, but my understanding is that the motion, which I find to be in order, proposes to do away with an earlier House order, in the sense that the normal voting procedures would not be given at 4.45, nor would they be deferred until Monday, but rather there would not be a vote and the motion would be deemed to have been referred to the standing committee. We can dispose of that. We now need unanimous consent in order that the Hon. Member may put his motion. If there is unanimous consent to that effect, then I will read the motion again and see if there is unanimous consent to the terms of the motion.

Accordingly, the Chair will recognize the Hon. Member for Simcoe North (Mr. Lewis) on a point of order.

Mr. Lewis: On behalf of the Progressive Conservative Party, Mr. Speaker, I would like to indicate our unanimous consent to the motion.

Mr. Murphy: Our problem, Mr. Speaker, is that we do not have a copy of what was presented by the Hon. Member for Kindersley-Lloydminster (Mr. McKnight). If we may see a copy of it, then you could pose the question again.

Mr. Lachance: Mr. Speaker, I suggest that you defer putting the motion for two minutes and that you let the Hon. Member for Kindersley-Lloydminster go on with his speech so

Supply

that the New Democratic Member may have a copy of the motion.

Mr. MacGuigan: Mr. Speaker, I would just say that we would be prepared to agree, both to the putting of the motion and to the motion.

The Acting Speaker (Mr. Blaker): It has been suggested that copies be distributed. Accordingly, again I would invite the Hon. Member, if he is willing, to continue with his speech and copies will be distributed shortly.

Mr. McKnight: Mr. Speaker, I am certainly pleased to say I do not have a specific place to start or stop, so these interruptions do not cause me a great deal of difficulty.

As we look historically at the debate on property rights, we see that the proposed introduction of property rights within the Charter of Rights and Freedoms in our new Constitution was proposed within Committee and supported by the Members of the Progressive Conservative Party and that Committee at that time. At the same time, the Minister representing the Government, the present Solicitor General (Mr. Kaplan), gave his consent to the inclusion of property rights within the Constitution of Canada. Over a short period of time, I think a weekend, there was a change of mind and property rights were traded off for support in other areas of the constitutional issue.

At that time, I felt that without the inclusion of property rights, the other rights that were entrenched within the Constitution of Canada in the Constitution Act of 1982 were not as meaningful as they could have been. Since that time, during debate in this House, we have heard some Members say that the Progressive Conservative Party is again speaking of property rights again. I would like to draw to your attention, Mr. Speaker, that the constituents of Kindersley-Lloydminster, and indeed I am sure Members' constituents all across this great land, have not stopped wishing since the Constitution was ascended to in 1982 that property rights would be included in the Constitution of Canada.

The reason that some Members of the NDP do not wish to have constitutional rights to property entrenched in the Constitution, I suppose, goes back to the old Regina Manifesto and the doctrine it put forth. At that time, it may have been a cause of concern to the people of Saskatchewan and Regina, but that was some 50 years ago. I think there has been considerable change since that time.

Mr. Speaker, I see that you have something in your hand. I would hope that I could carry on later.

The Acting Speaker (Mr. Blaker): I trust that by this time, as per the request of one of the Hon. Members, that all Hon. Members have received copies of the proposed motion. Is there a point of order? Is the Hon. Member for Churchill rising on a point of order.

Mr. Murphy: No, Mr. Speaker, but with reference to your previous request for unanimous consent, in discussion with other parties we have indicated that our caucus would meet on Monday to discuss this motion and determine at that time

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whether or not we would give unanimous consent. At the present time, we cannot give unanimous consent. We have not had the opportunity to have a caucus meeting.

Some Hon. Members: Oh, oh!

The Acting Speaker (Mr. Blaker): For the sake of formality, I have yet to put the issue to the House as to whether there is unanimous consent. Since I have already been advised in advance that there will not be unanimous consent to permit the Hon. Member to put a motion, then I think we can take it as agreed that what we will deal with at 4:45 is the original motion. If there are any other contributions to that subject matter, I will be glad to recognize Hon. Members.

Appropriately, I must say that the Hon. Member for Kindersley-Lloydminster who has been interrupted two or three times, would now quite properly be the Hon. Member to continue the debate until 4.45.

Mr. McKnight: Mr. Speaker, I spoke of 57 days in the Committee, of 15 days in the House, of 29 days in the House, of 10 days in the House, and an additional 54 days. This can be checked in *Hansard* Index on page 167 where there appears reference after reference to pages where property rights were discussed. The motion was put on behalf of this Party, but really on behalf of all Members of this House except the Members of the New Democratic Party who wish to see property rights entrenched in the Constitution. It was a very reasonable proposal. It allowed for additional debate in committee. It allowed for the people of Canada to have the constitutional right to have property rights entrenched in their Constitution by June 30, 1983.

• (1640)

In a spirit of continuing co-operation in order to try and get something for the people of Canada—never mind the concerns of the NDP, I see one Member of that Party arriving now though I have not seen him in the House earlier—I would ask the unanimous consent of the House to introduce a motion. It may drag the NDP kicking and screaming toward property rights, but the people of Canada deserve that the NDP have whatever consideration it needs to allow it to consent to property rights being put into the Constitution. When I present my motion I hope that the Members of that Party who are not in the House, especially those from my Province, will be able to express their concerns to their colleague, the Hon. Member for Churchill who, I am not sure whether on behalf of himself or of the Party, denied property rights.

I ask the unanimous consent of the House to move:

That notwithstanding Standing 62(9) the putting of the question or questions later this day be deferred until the conclusion of Routine Proceedings on Monday, May 2, 1983.

The Acting Speaker (Mr. Blaker): The Chair seeks to determine whether there is unanimous consent to put the motion.

Mr. Nystrom: Mr. Speaker, I wonder whether the Hon. Member for Kindersley-Lloydminster (Mr. McKnight) would be prepared to answer a question before you put the motion. Soon we will not have time to question him at all.

The Acting Speaker (Mr. Blaker): The House has heard the terms of the motion. Is there unanimous consent for the Hon. Member to put the motion?

Some Hon. Members: Agreed.

Some Hon. Members: No.

The Acting Speaker (Mr. Blaker): There is not consent.

Mr. Lewis: Mr. Speaker, I wish to indicate the unanimous consent of the Progressive Conservative Party to putting the motion.

Mr. MacGuigan: Mr. Speaker, I should like to indicate that we also wish to see this motion passed.

Mr. Yurko: Mr. Speaker, I should like to have the record show that I am fully in support of the motion proposed by the Hon. Member for Kindersley-Lloydminster.

Mr. McKnight: Mr. Speaker, I find it incredible—

Mr. Murphy: Mr. Speaker, I rise on a point of order. Although one Member of our Party did not grant unanimous consent at this time, we do not believe that the motion is necessary. If there are some negotiations to finding a way of putting property rights in the Constitution—

The Acting Speaker (Mr. Blaker): Order, please. The Hon. Member for Kindersley-Lloydminster.

Mr. McKnight: Mr. Speaker, in the short time left to me I should like to calmly and rationally express the concerns of my constituents and constituents all across Canada, represented by Members of Parliament in the Progressive Conservative Party, the Liberal Party and, indeed, the New Democratic Party, who wish to have the right to property enshrined in the Constitution.

I find this more repugnant than I can say, and I cannot understand why, when Members of this Party and of the Government and, indeed, the Independent Member who sits in the House, have done everything in our power and within the rules to provide that the people of Canada can have the right of property enshrined in the Constitution which all people of Canada wish to have—

Mr. Nystrom: Mr. Speaker, I rise on a point of order. I think the Hon. Member for Kindersley-Lloydminster was ready to answer a question. Is he still ready to do that now?

The Acting Speaker (Mr. Blaker): In accordance with an order made earlier by the House I am unable to recognize points of order or to permit the Hon. Member to continue his address.

It being 4.45 o'clock, it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the business of supply in accordance with Standing Order

Supply

62(9). The question is on the motion of the Hon. Member for Provencher (Mr. Epp). All those in favour of the motion, please say yea.

Some Hon. Members: Yea.

The Acting Speaker (Mr. Blaker): All those opposed please say nay.

Some Hon. Members: Nay.

The Acting Speaker (Mr. Blaker): In my opinion, the yeas have it.

And more than five Members having risen:

The Acting Speaker (Mr. Blaker): Pursuant to Standing 12(3) the recorded division stands deferred until three o'clock, Monday, May 2, 1983.

It being five o'clock, this House stands adjourned until Monday next at 11 a.m., pursuant to Standing Order 2(1).

At 4.46 p.m. the House adjourned, without question put, pursuant to Standing Order.

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ship with our union. I know the union has protested about some cases. We investigate these cases very conscientiously.

* * *

CANADA POST CORPORATION

INQUIRY RESPECTING RURAL SERVICE IN ALBERTA

Mr. Arnold Malone (Crowfoot): Madam Speaker, my question is directed to the Minister responsible for the Post Office. It is a question about big versus small. How is it in a society where urban people can get a multitude of television channels and in central Alberta and west central Alberta they can scarcely get two, where urban people can get telephone service for a fee and rural people do business while their neighbours listen in, that the Minister can justify that our city cousins get free delivery door-to-door while the post offices in the communities of Cadogan, Metiskow, Veteran, Oyen and Hanna, will have rural postal service removed, in the very areas where, by reasons of distance, that is the service that is needed, and actually distance is used as an excuse for taking the service away?

Hon. André Ouellet (Minister of Consumer and Corporate Affairs): Madam Speaker, the service in rural Canada is a service that has been given throughout the years by the Post Office. It is not only an obligation but a goal of the Canada Post Corporation to maintain postal customer service in all areas of Canada, including rural and remote areas, at a price that is equivalent to the one charged in other parts of the country. The Hon. Member will realize that it is much more expensive to deliver the mail in these remote areas of the country than it is in urban Canada. Throughout the years the Post Office has maintained this type of service and will continue in the future, despite the fact it is incurring heavy losses in performing this service.

● (1500)

GOVERNMENT ORDERS

[Translation]

BUSINESS OF SUPPLY

ALLOTTED DAY, S.O. 62—NON-CONFIDENCE MOTION—
AMENDMENT TO THE CONSTITUTION TO INCLUDE PROPERTY
RIGHTS

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

That, whereas the Constitution Act, 1982 provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada were so authorized by resolutions of the Senate and House of Commons and resolutions of the legislative assemblies as provided for in section 38 thereof;

Now Therefore the House of Commons resolves that His Excellency the Governor General be authorized to issue a proclamation under the Great Seal of Canada amending the Constitution of Canada as follows:

PROCLAMATION AMENDING THE
CONSTITUTION OF CANADA

1. Section 7 of the Constitution Act, 1982 is repealed and the following substituted therefor:

"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."

2. The said Act is further amended by adding thereto the following section:

"60.1 A reference to the Constitution Acts, 1867 to 1982 shall be deemed to include a reference to the Constitution Amendment Proclamation, 1983 (property rights)."

3. This Proclamation may be cited as the Constitution Amendment Proclamation, 1983 (property rights).

Madam Speaker: It being 3 p.m., pursuant to Standing Order 12(3), the House will now proceed with the deferred division on the motion of Mr. Epp, seconded by Miss MacDonald, respecting a proclamation amending the Constitution of Canada with respect to property rights. Call in the Members.

The House divided on the motion of Mr. Epp, which was negatived on the following division:

(Division No. 320)

YEAS

Messrs.

Althouse	Fretz	McGrath
Andre	Friesen	McKenzie
Baker	Gamble	McKinnon
(Nepean-Carleton)	Gass	McKnight
Beatty	Gilchrist	Miller
Benjamin	Greenaway	Mitchell (Mrs.)
Blackburn	Gurbin	Mitges
Blenkarn	Hamilton	Munro
Bosley	(Qu'Appelle-Moose	(Esquimalt-Saanich)
Bradley	Mountain)	Murphy
Broadbent	Hawkes	Murta
Carney (Miss)	Hees	Neil
Clark	Hnatyshyn	Nielsen
(Yellowhead)	Hovdebo	Nystrom
Clarke	Howe	Oberle
(Vancouver Quadra)	Jelinek	Ogle
Cook	Kempling	Orlikow
Cooper	Kilgour	Paproski
Corbett	King	Reid
Cossitt (Mrs.)	Knowles	(St. Catharines)
Crosby	Kushner	Sargeant
(Halifax West)	Lewis	Scott
Crouse	Lewycky	(Victoria-Haliburton)
Dantzer	MacDonald (Miss)	Siddon
Darling	(Kingston and the Islands)	Skelly
Deans	MacDougall	Speyer
Dick	Malone	Stewart
Domini	Mazanowski	Taylor
Ellis	McCain	Thacker
Elzinga	McCuish	Thomson
Epp	McDermid	Towers
Forrestall	McDonald (Ms.)	Vankoughnet
Fraser	(Broadview-Greenwood)	Young—88.

Order Paper Questions
ROUTINE PROCEEDINGS

NAYS

Messrs.

Allmand	Dupont	Lefebvre
Appoloni (Mrs.)	Dupras	Loiselle
Atworthy	Duquet	Lumley
Bachand	Evans	MacBain
Baker	Ferguson	MacEachen
(Gander-Twillingate)	Fisher	MacGuigan
Beauchamp-Niquet	Fleming	MacLaren
(Mrs.)	Flis	MacLellan
Berger	Foster	Malépart
Blais	Francis	Marceau
Blaker	Frith	Massé
Bloomfield	Garant	Masters
Bockstael	Gauthier	McCaulley
Bossy	Gendron	McRae
Breau	Gimalel	Munro
Bujold	Gingras	(Hamilton East)
Burghardt	Gourd	Nicholson (Miss)
Bussièrès	(Argenteuil-Papineau)	Olivier
Caccia	Gourde	Ostiguy
Campbell (Miss)	(Lévis)	Ouellet
(South West Nova)	Gray	Parent
Campbell	Guilbault	Penner
(LaSalle)	Harquail	Pepin
Campbell	Herbert	Peterson
(Cardigan)	Hervieux-Payette	Pinard
Chénier	(Mrs.)	Portelance
Chrétien	Hopkins	Reid
Collenette	Hudecki	(Kenora-Rainy River)
Cosgrove	Isabelle	Roberts
Côté (Mrs.)	Johnston	Robinson
Cousineau	Joyal	(Etobicoke-Lakeshore)
Cullen	Kaplan	Rompkey
Cyr	Kelly	Rooney
Daudlin	Killens (Mrs.)	Rossi
Dawson	Lachance	Roy
De Bané	Lajoie	Savard
de Corneille	Lalonde	Schroder
Demers	Lamontagne	Smith
Deniger	Landers	Tardif
Desmarais	Lang	Tessier
Dingwall	Lapierre	Tousignant
Dion	Lapointe	Trudeau
Dionne	(Charlevoix)	Turner
(Chicoutimi)	Lapointe	Veillette
Dionne	(Beauce)	Watson
(Northumberland- Miramichi)	LeBlanc	Weatherhead
Dubois	Leduc	Whelan—126.

[Translation]

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS
AND ESTABLISHED PROGRAMS FINANCING ACT,
1977

MEASURE TO AMEND

Hon. Marc Lalonde (Minister of Finance) moved for leave to introduce Bill C-150, an Act to amend the Federal-Provincial Fiscal Arrangements and Established Programs Financing Act, 1977.

Motion agreed to, Bill read the first time and ordered to be printed.

* * *

● (1530)

[English]

QUESTIONS ON THE ORDER PAPER

(Questions answered orally are indicated by an asterisk.)

Mr. David Smith (Parliamentary Secretary to President of the Privy Council): Madam Speaker, the following question will be answered today: No. 4,660.

[Text]

CANADIAN UNIVERSITY SERVICE OVERSEAS

Question No. 4,660—Mr. Stewart:

1. At any time, did the Cuban government give free airline tickets to any Canadian University Service Overseas personnel and, if so (a) what were the tickets worth (b) does the Government approve of CUSO-funded personnel accepting subsidies from communist governments?

2. At a recent meeting, did CUSO pass a resolution calling on the Government to adopt a neutralist policy and to pull out of NATO and NORAD and, if so, was the intent of the resolution to allow Canada to free itself from commitments that would permit the manufacture of components for the Cruise missile and permit the testing of the missile in Canada?

3. Is Mrs. Iona Campagnolo a member of the CUSO board and, if so, does this membership conflict with her position as President of the Liberal Party of Canada?

4. Does Treasury Board intend to restore a \$500,000 cut from CUSO's budget, in light of CUSO's threat to close its Tanzania project?

5. Was CUSO's budget cut by the Canadian International Development Agency and, if so (a) by what percentage (b) does the cut reflect a real dollar reduction or just a reduction in the rate of increase (c) how does the cut compare with cuts by CIDA in grants to other non-governmental organizations?

6. Are CUSO personnel in Zambia involved in support for national liberation (terrorist) movements and, if so, to what extent?

7. What is the Third World Foundation and is this organization being established as a successor to the Futures Secretariat?

8. At a recent meeting, did CUSO consider setting up a United States foundation for fund-raising purposes and, if so (a) was this matter referred to a committee for further consideration (b) does the Government approve of CUSO raising funds in a foreign country?

Mr. David Smith (Parliamentary Secretary to President of the Privy Council): I am informed by the Canadian Interna-

[English]

Madam Speaker: I declare the motion lost.

* * *

PETITIONS

TABLING OF REPORTS OF CLERK OF PETITIONS

Madam Speaker: I have the honour to inform the House that the Petitions presented by Hon. Members on Friday, April 29, meet the requirements of the Standing Orders as to form.

ALPHABETICAL LIST
OF THE
MEMBERS OF THE HOUSE OF COMMONS
SHOWING CONSTITUENCIES AND PARTY AFFILIATION

First Session—Thirty-second Parliament

HON. JEANNE SAUVÉ, Speaker

<p>ALEXANDER, HON. LINCOLN M.¹—Hamilton West—PC ALLMAND, HON. WARREN—Notre-Dame-de-Grâce-Lachine East—L ALTHOUSE, VIC—Humboldt-Lake Centre—NDP ANDRE, HARVIE—Calgary Centre—PC ANGUISH, DOUGLAS—The Battlefords-Meadow Lake—NDP APPOLONI, URSULA—York South-Weston—L AXWORTHY, HON. LLOYD—Winnipeg-Fort Garry—L</p> <p>BACHAND, ANDRÉ—Brome-Missisquoi—L BAKER, GEORGE—Gander-Twillingate—L BAKER, HON. WALTER²—Nepean Carleton—PC BEATTY, HON. PERRIN—Wellington-Dufferin-Simcoe—PC BEAUCHAMP-NIQUET, SUZANNE—Roberval—L BÉGIN, HON. MONIQUE—Saint-Léonard-Anjou—L BENJAMIN, LES—Regina West—NDP BERGER, DAVID—Laurier—L BLACKBURN, DEREK—Brant—NDP BLAIKIE, WILLIAM—Winnipeg-Birds Hill—NDP BLAIS, HON. JEAN-JACQUES—Nipissing—L BLAKER, ROD—Lachine—L BLENKARN, DON—Mississauga South—PC BLOOMFIELD, GARNET M.—London-Middlesex—L BOCKSTAEL, ROBERT—St. Boniface—L BOSLEY, JOHN—Don Valley West—PC BOSSY, MAURICE—Kent—L BRADLEY, BUD—Haldimand-Norfolk—PC BREAU, HERBERT—Gloucester—L BROADBENT, HON. EDWARD—Oshawa—NDP BUCHANAN, HON. JUDD³—London West—L BUJOLD, RÉMI—Bonaventure-Îles-de-la-Madeleine—L BURGHARDT, JACK⁴—London West—L BUSSIÈRES, HON. PIERRE—Charlesbourg—L</p> <p>CACCIA, HON. CHARLES L.—Davenport—L CAMPBELL, COLINE—South West Nova—L CAMPBELL, JOHN—LaSalle—L CAMPBELL, HON. W. BENNETT⁵—Cardigan—L CARDIFF, MURRAY—Huron-Bruce—PC CARNEY, PAT—Vancouver Centre—PC CHÉNIER, RAY—Timmins-Chapleau—L CHRÉTIEN, HON. JEAN—Saint-Maurice—L CLARK, RIGHT HON. CHARLES JOSEPH—Yellowhead—PC</p>	<p>CLARK, LEE⁶—Brandon-Souris—PC CLARKE, BILL—Vancouver Quadra—PC COATES, ROBERT C.—Cumberland-Colchester—PC COLLENETTE, HON. DAVID—York East—L COMTOIS, J.-ROLAND—Terrebonne—L COOK, CHUCK—North Vancouver-Burnaby—PC COOPER, ALBERT—Peace River—PC CORBETT, ROBERT—Fundy-Royal—PC CORBIN, EYMARD—Madawaska-Victoria—L CORRIVEAU, LÉOPOLD—Frontenac—L COSGROVE, HON. PAUL—York-Scarborough—L COSSITT, JENNIFER⁷—Leeds-Grenville—PC COSSITT, TOM⁸—Leeds-Grenville—PC CÔTÉ, EVA L.—Rimouski-Témiscouata—L COUSINEAU, RENÉ—Gatineau—L CROMBIE, HON. DAVID—Rosedale—PC CROSBIE, HON. JOHN C.—St. John's West—PC CROSBY, HOWARD—Halifax West—PC CROUSE, LLOYD R.—South Shore—PC CULLEN, HON. BUD—Sarnia-Lambton—L CYR, ALEXANDRE—Gaspé—L</p> <p>DANTZER, VINCENT—Okanagan North—PC DARLING, STAN—Parry Sound-Muskoka—PC DAUDLIN, ROBERT—Essex-Kent—L DAWSON, DENNIS—Louis-Hébert—L DEANS, IAN—Hamilton Mountain—NDP DE BANÉ, HON. PIERRE—Matapédia-Matane—L DE CORNEILLE, ROLAND—Eglinton-Lawrence—L DE JONG, SIMON—Regina East—NDP DEMERS, YVES—Duvernay—L DENIGER, PIERRE—La Prairie—L DESMARAIS, LOUIS R.—Dollard—L DICK, PAUL—Lanark-Renfrew-Carleton—PC DINGWALL, DAVID—Cape Breton-East Richmond—L DINSDALE, HON. WALTER⁹—Brandon-Souris—PC DION, ROLLAND—Portneuf—L DIONNE, MARCEL—Chicoutimi—L DIONNE, MAURICE A.—Northumberland-Miramichi—L DOMM, BILL—Peterborough—PC DUBOIS, JEAN-GUY—Lotbinière—L DUCLOS, LOUIS—Montmorency-Orléans—L DUPONT, RAYMOND—Chambly—L</p>
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¹ Resigned May 28, 1980.

² Died Nov. 13, 1983.

³ Resigned Aug. 13, 1980.

⁴ Elected in by-election Apr. 13, 1981.

⁵ Elected in by-election Apr. 13, 1981.

⁶ Elected in by-election May 24, 1983.

⁷ Elected in by-election Oct. 12, 1982.

⁸ Died Mar. 15, 1982.

⁹ Died Nov. 20, 1982.

- DUPRAS, MAURICE—Labelle—L
DUQUET, GÉRARD—Quebec East—L
- ELLIS, JOHN R.—Prince Edward-Hastings—PC
ELZINGA, PETER—Pembina—PC
EPP, HON. JAKE—Provencher—PC
EROLA, HON. JUDY—Nickel Belt—L
ETHIER, DENIS—Glengarry-Prescott-Russell—L
EVANS, JOHN—Ottawa Centre—L
- FENNELL, SCOTT—Ontario—PC
FERGUSON, RALPH—Lambton-Middlesex—L
FISHER, DOUGLAS—Mississauga North—L
FLEMING, HON. JIM—York West—L
FLIS, JESSE P.—Parkdale-High Park—L
FORRESTALL, J. MICHAEL—Dartmouth-Halifax East—PC
FOSTER, MAURICE—Algoma—L
FOX, HON. FRANCIS—Blainville-Deux-Montagnes—L
FRANCIS, LLOYD—Ottawa West—L
FRASER, HON. JOHN A.—Vancouver South—PC
FRETZ, GIRVE—Erie—PC
FRIESEN, BENNO—Surrey-White Rock-North Delta—PC
FRITH, DOUGLAS—Sudbury—L
FULTON, JIM—Skeena—NDP
- GAMBLE, JOHN—York North—PC
GARANT, ALAIN—Bellechasse—L
GASS, MEL—Malpeque—PC
GAUTHIER, JEAN-ROBERT—Ottawa-Vanier—L
GENDRON, ROSAIRE—Kamouraska-Rivière-du-Loup—L
GILCHRIST, GORDON—Scarborough East—PC
GIMAIËL, PIERRE—Lac-Saint-Jean—L
GINGRAS, RENÉ—Abitibi—L
GOURD, ROBERT—Argenteuil-Papineau—L
GOURDE, GASTON¹⁰—Lévis—L
GRAY, HON. HERB—Windsor West—L
GREENAWAY, LORNE—Cariboo-Chilcotin—PC
GUAY, RAYNALD—Lévis¹¹—L
GUILBAULT, JACQUES—Saint-Jacques—L
GURBIN, GARY—Bruce-Grey—PC
GUSTAFSON, LEN—Assiniboia—PC
- HALLIDAY, BRUCE—Oxford—PC
HAMILTON, HON. ALVIN—Qu'Appelle-Moose Mountain—PC
HAMILTON, FRANK—Swift Current-Maple Creek—PC
HARGRAVE, BERT—Medicine Hat—PC
HARQUAIL, MAURICE—Restigouche—L
HAWKES, JIM—Calgary West—PC
HEAP, DAN¹²—Spadina—NDP
HEES, HON. GEORGE—Northumberland—PC
HENDERSON, GEORGE—Egmont—L
HERBERT, HAL—Vaudreuil—L
HERVIEUX-PAYETTE, HON. CÉLINE—Montreal-Mercier—L
HNATYSHYN, HON. RAMON J.—Saskatoon West—PC
- HOPKINS, LEONARD—Renfrew-Nipissing-Pembroke—L
HOVDEBO, STAN J.—Prince Albert—NDP
HOWIE, HON. J. ROBERT—York-Sunbury—PC
HUDECKI, STANLEY¹³—Hamilton West—L
HUNTINGTON, HON. RON—Capilano—PC
- IRWIN, RON—Sault Ste. Marie—L
ISABELLE, GASTON—Hull—L
ITTINUAR, PETER—Nunatsiak—L
- JARVIS, HON. WILLIAM H.—Perth—PC
JELINEK, OTTO—Halton—PC
JEWETT, PAULINE—New Westminster-Coquitlam—NDP
JOHNSTON, HON. DONALD J.—Saint-Henri-Westmount—L
JOYAL, HON. SERGE—Hochelaga-Maisonnette—L
- KAPLAN, HON. ROBERT—York Centre—L
KEEPER, CYRIL—Winnipeg-St. James—NDP
KELLY, NORMAN—Scarborough Centre—L
KEMPLING, BILL—Burlington—PC
KILGOUR, DAVID—Edmonton-Strathcona—PC
KILLENS, THÉRÈSE—Saint-Michel-Ahuntsic—L
KING, FRED—Okanagan-Similkameen—PC
KNOWLES, HON. STANLEY H.—Winnipeg North Centre—NDP
KORCHINSKI, STANLEY J.—Mackenzie—PC
KRISTIANSEN, LYLE S.—Kootenay West—NDP
KUSHNER, JOHN—Calgary East—PC
- LACHANCE, CLAUDE-ANDRÉ—Rosemont—L
LAJOIE, CLAUDE G.—Trois-Rivières—L
LALONDE, HON. MARC—Outremont—L
LAMBERT, HON. MARCEL—Edmonton West—PC
LAMONTAGNE, HON. J. GILLES—Langelier—L
LANDERS, MIKE—Saint John—L
LANG, PETER—Kitchener—L
LANIEL, GÉRALD—Beauharnois-Salaberry—L
LAPIERRE, JEAN—Shefford—L
LAPOINTE, HON. CHARLES—Charlevoix—L
LAPOINTE, NORMAND—Beauce—L
LASALLE, HON. ROCH¹⁴—Joliette—PC
LAWRENCE, HON. ALLAN—Durham-Northumberland—PC
LEBLANC, HON. ROMÉO—Westmorland-Kent—L
LEDUC, JEAN-LOUIS—Richelieu—L
LEFEBVRE, THOMAS H.—Pontiac-Gatineau-Labelle—L
LEWIS, DOUGLAS G.—Simcoe North—PC
LEWYCKY, LAVERNE—Dauphin-Swan River—NDP
LOISELLE, BERNARD—Verchères—L
LONSDALE, BRUCE¹⁵—Timiskaming—L
LUMLEY, HON. ED—Stormont-Dundas—L
- MACBAIN, AL—Niagara Falls—L
MACDONALD, HON. DANIEL J.¹⁶—Cardigan—L
MACDONALD, HON. FLORA—Kingston and the Islands—PC
MACDOUGALL, JOHN¹⁷—Timiskaming—PC

¹⁰Elected in by-election May 4, 1981.¹¹Resigned Aug. 29, 1980.¹²Elected in by-election Aug. 17, 1981.¹³Elected in by-election Sept. 8, 1980.¹⁴Resigned Mar. 16, 1981; elected in by-election Aug. 17, 1981.¹⁵Died Jan. 22, 1982.¹⁶Died Sept. 30, 1980.¹⁷Elected in by-election Oct. 12, 1982.

MACEACHEN, HON. ALLAN J.—Cape Breton Highlands-Canso—L
 MACGUIGAN, HON. MARK—Windsor-Walkerville—L
 MACKASEY, HON. BRYCE—Lincoln—L
 MACKAY, HON. ELMER M.¹⁸—Central Nova—PC
 MACLAREN, HON. ROY—Etobicoke North—L
 MACLELLAN, RUSSELL—Cape Breton-The Sydneys—L
 MALÉPART, JEAN-CLAUDE—Montreal-Sainte-Marie—L
 MALONE, ARNOLD—Crowfoot—PC
 MALTAIS, ANDRÉ—Manicouagan—L
 MANLY, JIM—Cowichan-Malahat-The Islands—NDP
 MARCEAU, GILLES—Jonquière—L
 MASSÉ, PAUL-ANDRÉ—Saint-Jean—L
 MASTERS, JACK—Thunder Bay-Nipigon—L
 MAYER, CHARLES—Portage-Marquette—PC
 MAZANKOWSKI, HON. DON—Vegreville—PC
 MCCAIN, FRED—Carleton-Charlotte—PC
 MCCAULEY, GARY F.—Moncton—L
 MCCUISH, LORNE—Prince George-Bulkley Valley—PC
 MCDERMID, JOHN—Brampton-Georgetown—PC
 McDONALD, LYNN¹⁹—Broadview-Greenwood—NDP
 McGRATH, HON. JAMES A.—St. John's East—PC
 MCKENZIE, DAN—Winnipeg-Assiniboine—PC
 MCKINNON, HON. ALLAN B.—Victoria—PC
 MCKNIGHT, BILL—Kindersley-Lloydminster—PC
 McLEAN, WALTER—Waterloo—PC
 McMILLAN, THOMAS—Hillsborough—PC
 MCRAE, PAUL E.—Thunder Bay-Atikokan—L
 MILLER, TED—Nanaimo-Alberni—NDP
 MITCHELL, MARGARET—Vancouver East—NDP
 MITGES, GUS—Grey-Simcoe—PC
 MULRONEY, BRIAN²⁰—Central Nova—PC
 MUNRO, DONALD W.—Esquimalt-Saanich—PC
 MUNRO, HON. JOHN C.—Hamilton East—L
 MURPHY, ROD—Churchill—NDP
 MURTA, JACK—Lisgar—PC

 NEIL, DOUGLAS—Moose Jaw—PC
 NICHOLSON, AIDEEN—Trinity—L
 NICKERSON, DAVE—Western Arctic—PC
 NIELSEN, HON. ERIK—Yukon—PC
 NOWLAN, PATRICK—Annapolis Valley-Hants—PC
 NYSTROM, LORNE E.—Yorkton-Melville—NDP

 OBERLE, FRANK—Prince George-Peace River—PC
 OGLE, BOB—Saskatoon East—NDP
 OLIVIER, JACQUES—Longueuil—L
 ORLIKOW, DAVID—Winnipeg North—NDP
 OSTIGUY, MARCEL—Saint-Hyacinthe-Bagot—L
 OUELLET, HON. ANDRÉ—Papineau—L

 PAPROSKI, HON. STEVEN E.—Edmonton North—PC
 PARENT, GILBERT—Wells—L
 PARKER, SID—Kootenay East-Revelstoke—NDP
 PATTERSON, ALEXANDER B.—Fraser Valley East—PC

PELLETIER, IRÉNÉE—Sherbrooke—L
 PENNER, KEITH—Cochrane-Superior—L
 PEPIN, HON. JEAN-LUC—Ottawa-Carleton—L
 PETERSON, JIM—Willowdale—L
 PINARD, HON. YVON—Drummond—L
 PORTELANCE, ARTHUR—Gamelin—L
 PRUD'HOMME, MARCEL—Saint-Denis—L

 RAE, BOB²¹—Broadview-Greenwood—NDP
 REGAN, HON. GERALD—Halifax—L
 REID, JOE—St. Catharines—PC
 REID, HON. JOHN M.—Kenora-Rainy River—L-L
 RIIS, NELSON A.—Kamploops-Shuswap—NDP
 ROBERTS, HON. JOHN—St. Paul's—L
 ROBINSON, SVEND J.—Burnaby—NDP
 ROBINSON, W. KENNETH—Etobicoke-Lakeshore—L
 ROCHE, DOUGLAS—Edmonton South—PC
 ROMPKEY, HON. WILLIAM—Grand Falls-White Bay-Labrador—L
 ROONEY, DAVID—Bonavista-Trinity-Conception—L
 ROSE, MARK²²—Mission-Port Moody—NDP
 ROSSI, CARLO—Bourassa—L
 ROY, MARCEL—Laval—L

St. GERMAIN, GERRY²³—Mission-Port Moody—PC
 SARGEANT, TERRY—Selkirk-Interlake—NDP
 SAUVÉ, HON. JEANNE—Laval-des-Rapides—L
 SAVARD, RAYMOND—Verdun-Saint Paul—L
 SCHELLENBERGER, STAN—Wetaskiwin—PC
 SCHRODER, JIM—Guelph—L
 SCOTT, GEOFFREY—Hamilton-Wentworth—PC
 SCOTT, WILLIAM C.—Victoria-Haliburton—PC
 SHIELDS, JACK—Athabasca—PC
 SIDDON, THOMAS—Richmond-South Delta—PC
 SIMMONS, HON. ROGER—Burin-St. George's—L
 SKELLY, RAYMOND—Comox-Powell River—NDP
 SMITH, HON. DAVID—Don Valley East—L
 SPEYER, CHRIS—Cambridge—PC
 STEVENS, HON. SINCLAIR—York-Peel—PC
 STEWART, RONALD—Simcoe South—PC
 STOLLERY, PETER²⁴—Spadina—L

TARDIF, ALAIN—Richmond-Wolfe—L
 TAYLOR, GORDON—Bow River—PC
 TESSIER, CLAUDE—Mégantic-Compton-Stanstead—L
 THACKER, BLAINE A.—Lethbridge-Foothills—PC
 THOMSON, JOHN—Calgary South—PC
 TOBIN, BRIAN—Humber-Port au Port-St. Barbe—L
 TOUSIGNANT, HENRI—Témiscamingue—L
 TOWERS, GORDON—Red Deer—PC
 TRUDEAU, RIGHT HON. PIERRE ELLIOTT—Mount Royal—L
 TURNER, CHARLES—London East—L

¹⁸Resigned June 15, 1983.¹⁹Elected in by-election Oct. 12, 1982.²⁰Elected in by-election Aug. 29, 1983.²¹Resigned Mar. 2, 1982.²²Resigned Apr. 20, 1983.²³Elected in by-election Aug. 29, 1983.²⁴Resigned on appointment to Senate July 2, 1981.

VANKOUGHNET, BILL—Hastings-Frontenac-Lennox and
Addington—PC

VEILLETTE, MICHEL—Champlain—L

WADDELL, IAN—Vancouver-Kingsway—NDP

WATSON, IAN—Châteauguay—L

WEATHERHEAD, DAVID—Scarborough West—L

WENMAN, ROBERT L.—Fraser Valley West—PC

WHELAN, HON. EUGENE F.—Essex-Windsor—L

WILSON, HON. MICHAEL—Etobicoke Centre—PC

WISE, HON. JOHN—Elgin—PC

WRIGHT, BILL—Calgary North—PC

YANAKIS, ANTONIO—Berthier-Maskinongé-Lanaudière—L

YOUNG, NEIL—Beaches—NDP

YURKO, WILLIAM J.—Edmonton East—IND

NOTE: Party Affiliation. L—Liberal; PC—Progressive Conservative; L-L—
Liberal Labour; NDP—New Democratic Party; Ind—Independent

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