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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

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