

Constitution Act, 1982

as food, clothing and shelter. A life so lived out requires both the liberty to attain these properties lawfully and the liberty to enjoy the measure of independence and security which they bring.

Wayne Gretzky has proven that he is the best goal scorer in the NHL. His skill is unique, and that leads naturally and rightly to his demanding his reward in the market-place of professional sports today. We would be denying him his uniqueness, his dignity and his worth as a human being and we would be denying him his freedom if we did not let him compete for whatever he can gain, even if it is close to \$20 million. After all, what is private property? Surely it is simply the natural consequence of human uniqueness and freedom. Where there is no right to private property, I believe that society becomes a life in death; physically we would be alive but socially, mentally and intellectually we would be dead.

Last week I had the great privilege and, I believe, responsibility, of viewing and experiencing both sides of the Berlin wall. I say to Members of the House in all humility yet with firm conviction that if they do not understand why the principles of life, liberty and security of person logically lead to the right to private property, they ought to go to Berlin. There they will see that on the west side of the Berlin wall, the words "life, liberty and security of person" are concretely lived out, including the right to property. Tragically, on the east side of the Berlin wall, although the same words, "life, liberty and security of person", exist in the Constitution, they have little tangible and free application in everyday life and there are practically no rights to private property.

Any life that "lives", eats, dresses, takes shelter, ploughs a field, fishes a lake, manufactures a product, digs an oil well, invests in a car, a house, a cottage or a business knows that principles without properties—life, liberty or security of person without their necessary and logical correlates—are devoid of meaning and content. Surely the principle of freedom to pursue the gaining of a livelihood as a labourer, housewife, farmer or businessman is severely diminished if one's freedom to simply keep, sell or buy is not protected. Surely the principle of security of the person against unlawful search or seizure is rendered meaningless if one's right to own clothing, a car, a home, a cottage or a company is not secured.

It is this compelling logic which led to the inclusion of property rights in such documents as the Magna Carta of 1215, the English Bill of Rights of 1627, the Fifth and Fourteenth Amendments to the American Constitution of 1791 and 1868 respectively, the U.N. Declaration of Human Rights of 1948, and the Canadian Bill of Rights of 1960. It is this compelling logic which was once again confirmed in a 1972 decision of the Supreme Court of the United States which declared:

Property does not have rights. People have rights . . . (However) a fundamental inter-dependence exists between the personal right to liberty and the personal right in property. Neither could have meaning without the other. That rights in property are basic civil rights has long been recognized.

In 1948, Canada signed the Universal Declaration of Human Rights. Article 17 of that Declaration reads:

(1) Everyone has the right to own property as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Our Bill of Rights also specifically provides for property rights. Therefore, I call upon my Party, the Government, the Liberals and the NDP to bring our Constitution fully in line with our actions at the United Nations and with our Bill of Rights.

This, then, is the premise of this motion: logical consistency demands that those fundamental rights now guaranteed by the Canadian Charter of Rights and Freedoms of life, liberty and security of the person be given their natural, undeniable and essential correlate, the enjoyment of property. It is incumbent upon those who would disagree with the motion to state their position with respect to its premise. It follows that the intent of the motion is simply to correct the omission of property rights in the Charter of Rights. In my opinion, that is one of the most serious flaws within our Charter.

● (1710)

If I may digress briefly from the main subject at hand, I think there is also another addition which could be made to the Charter. I would seek to add at the end of the Charter of Rights a new section which states:

The powers not delegated to the federal and provincial levels of Government by the Constitution are reserved to the people.

The American Constitution includes such an amendment. In a democracy, it must be crystal clear that people possess all the rights and Governments possess none other than those which are given to them by the people. If we looked closely at the Charter of Rights and read it, we would notice that it uses words such as "everyone has", "every citizens has", and "every citizen and every person has". Those words seem to imply that Governments give rights to the people. Therefore, to make absolutely certain that no one in Government is ever tempted to say that they, as a Government, give rights, let us make sure that our Constitution clearly reminds Governments that their powers are limited. Let us make sure that Governments clearly understand that the only rights and powers they hold are those which are granted to them in trust by the people.

Returning to the motion, I would like to emphasize that the Bill harbours no hidden agenda, and no machiavellian design to give one segment of the Canadian people more rights or more privileges than any other. Rather, it wishes to ensure that the principle of the independence of the individual from unlawful interference by the state upon his or her right to life, liberty, and security of the person, is given concrete grounding by also ensuring the independence of those properties which naturally accrue in the course of his or her exercising of those rights.

I suggest that this is a principle which applies to all Canadians, and it is a right which each of them wants and deserves, whether they happen to own a single coat or a whole wardrobe, a bicycle or a BMW, a modest apartment or a luxury home. A person's right to be secure in his or her ownership of that coat, bicycle, or apartment is no less important than another's right