

*Supply*

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This historical document arose primarily out of the concern for property rights and has had an impact of enormous proportions on the evolution of our way of life and system of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