

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