

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.

Supply

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.