

ing the change, if it is one which "derogates from the legislative powers, the proprietary rights or any other rights or privileges of the legislature or Government of a province". Subsection 38(3) provides that such an amendment shall not have effect in a province which expresses its dissent by resolution of the legislative assembly. An amendment to entrench property rights in the Constitution would certainly appear to be an amendment coming within subsection 38(2). It is possible, therefore, that the result of premature action on our part might create constitutional property rights protections that would not apply in one or more provinces because we had not succeeded in building the necessary consensus. The importance of property rights is such that constitutional protection should, if at all possible, be provided on a consistent and uniform basis across the country. We should not lightly put ourselves in a position where it might be necessary ultimately to proceed without the assent of a province. We should strive to reach agreement, but the opportunity to do this has not been available to the present Government.

So as to allow other speakers to address this House on this fundamental issue, I will conclude by saying that I believe that this matter should be addressed during the four years of our mandate. We must build a consensus with the provinces. Private Members' Hour is not the time to talk about public law Bills. I would like to say that I agree with the whole concept of entrenchment but we are dealing in illusions if we do not form a consensus.

Mr. Rod Murphy (Churchill): Mr. Speaker, this is the second opportunity I have had to speak on a Conservative motion with regard to property rights and the Constitution. The procedure the Conservative Government is following on this particular issue is interesting. The first time I spoke on this subject was on April 29, 1983. We were debating an opposition motion, with a vote, which, of course, meant that members of the Liberal Party had to vote against the motion, despite what they may have felt about its particular merits, because the Conservative motion was a non-confidence motion. In other words, Hon. Members on the government side would have had to vote against their own Government in order to support the resolution which was before them.

● (1730)

It is interesting that we have this second occasion to discuss property rights. It is not a government measure. For that matter, it was not mentioned in the Throne Speech. This is strictly a Private Members' Bill on which the government Members are speaking with the purpose of killing the Bill. If the Conservative Government were serious about property rights in the Constitution, it would start the process as an official government measure.

I have to agree with the last speaker from the Conservative Party who said that Private Members' motions to amend the Constitution are not the route we should take. There is no way that this House, after a one hour debate, should try to amend the Constitution of this country. We had a debate on April 29, 1983 on this matter and I spoke about the need for a process

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which allows the provinces, the public, business and labour groups, environmentalists, native peoples and others to come before this House to talk about their concerns. The problem with the route being taken now is that it does now allow for public participation.

The last time the Conservative Party tried to bring this measure before the House they wanted it passed in a four-hour debate in one afternoon. It did not want the groups I mentioned, nor I suspect did the Conservative Premiers, to have the opportunity to speak in front of a committee of this House on the rights they were concerned about. At the time the motion came before the House in 1983, I talked about the process and the need to allow the public to get involved in the changing of our Constitution. I put forward a motion to that effect. I realize you were not in the House at that time, Mr. Speaker, so I will point out that negotiations took place which, had they been accepted by the Conservative Party—and it was the Conservative Party that killed the property rights—we would have had a committee of this House listen to people from different parts of Canada, those groups that I have mentioned. But the Conservative Party did not want that to happen. That Party, by introducing a Private Members' Bill, does not allow for public participation, and that proves it is not serious about property rights.

Mr. Blenkarn: Oh, come on.

Mr. Murphy: It is a pure political sham. If the Conservative Government were serious about this, it would have been in the Throne Speech.

Mr. Blenkarn: This is Private Members' Hour, remember?

Mr. Murphy: I hear the mover of the motion, Mr. Speaker, rambling on. That same Member talked strongly against the borrowing authority which the Liberal Government introduced. What he said is now in the record of *Hansard*. What he says on this side of the House when he is in opposition, and what he says on that side of the House when he is a government Member, are two things that tend to be completely opposite. The people who elected us expect us to say the same thing whether we sit on this side or that side. I would hope that that Hon. Member would have had the integrity to say the same thing when he is on that side as he did when he was on this side. Obviously he cannot do that at the present time.

When I last rose to discuss property rights regarding the Constitution I moved an amendment which I would like to read into the record. The amendment was that the House of Commons:

—favours a constitutional amendment to entrench the principle of the right of Canadians to own their own homes and farms; that such entrenchment in the Constitution must embody wording which does not create new problems for Canadians; for example, for provincial governments and others who wish to ensure that the ownership of recreational land be restricted to Canadian citizens—

Mr. Blenkarn: Can't have a cottage.