

Property Rights

With such a clause in our Constitution we may see a time when the courts would strike down the initiative of Governments to improve safety in the workplace or to make technological change. Inspectors from relevant departments may tell a factory owner that the heating system of his building does not provide the necessary quality of air and that he has to make major or minor changes. However, under this kind of clause an owner may say that he is not prepared to make such changes and that to be forced to do so is an infringement on his right to own the property and deal with it in the way in which he wants.

This could interfere in a marked way with the ability of a province to implement pollution control systems. These are only a few of the reasons we should not pass this resolution.

The Government prides itself in its determination to deal fairly and co-operatively and to consult with the provinces. To include a clause such as this in the Charter would be a massive intervention in the rights of the provinces. Under our Constitution the federal Government is given certain areas of jurisdiction as are the provinces. One of the major areas of provincial jurisdiction since Confederation is over property. To put property rights into the Constitution would interfere with the right of the provinces, as spelled out in our Constitution, to deal with property and property rights.

I have seen no evidence that the rights of individuals or corporations to own and manage their property has been unduly interfered with by Governments at any level. The present laws protect property rights in a legitimate way. This proposal is not only unnecessary but would create very dangerous and difficult problems for Governments at the federal, provincial, and municipal levels. Therefore, we ought not to pass this Bill.

Mr. Ross Belsher (Fraser Valley East): Mr. Speaker, it is indeed an honour for me to speak today on the motion which the Hon. Member for Kitchener (Mr. Reimer) has placed before the House. The motion seeks to amend Section 7 of the Canadian Charter of Rights and Freedoms to include the enjoyment of property.

I am in support of this motion as are several of my colleagues on this side of the House. Even though the Canadian Bill of Rights includes the enjoyment of property, it is only a statement of general principles and does not confer real rights. In the final analysis, this right in the Bill of Rights remains an ordinary common law principle which is incapable of actually protecting property rights.

The Charter of Rights and Freedoms has been accorded a constitutional status capable of overriding federal and provincial legislation. Unfortunately, it is deficient in the field of property rights. The deletion of the right to property in the 1982 Charter of Rights may have been a Liberal Government side-step to avoid an issue which was so strongly opposed by the New Democratic Party and the provincial Governments

whose legislative authority from the 1867 Constitution Act could have been affected.

Even today the Hon. Member for Winnipeg North (Mr. Orlikow) alluded to how his Party is still against the legitimate right of individuals to be the owners of property.

It looked for a time in 1982 as though the Government of the day would have the sense to include the Conservative amendment to add "the right to property and the right not to be deprived thereof". The Liberals withdrew their support of the amendment on January 26, 1981. They caved in.

I am happy to say that the Government of the Province of British Columbia passed a motion on September 21, 1982, which authorized the amendment of Section 7 to include the enjoyment of property. However, that is but one province.

Having spoken to many people on this issue over the past three years, it is obvious to me that many Canadians want the right to enjoy property entrenched in our Charter at a national level. One can compare the situation of not having this specific right in the Charter with the notion that someone has the ability to print a newspaper without having the right to own the printing press. We need the assurance of this right.

Ownership is conducive to an individual's independence, freedom, and happiness. A man's house is his castle. However, what happens when he does not have the right to own that castle? From earliest times property has been defended. Aristotle expressed a strong defence of property and advanced the idea that private property is ordained by natural law and that ownership is conducive to progress. According to this famous philosopher, ownership of property promotes the growth of character because two important virtues result from it—self-control and liberty.

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Property is a source of pleasure. Throughout history those supporting absolute democracy, such as Jean-Jacques Rousseau, considered property necessary for the well-being of individuals and society, and thus should be protected by law.

The motion we are discussing today must go through the process of constitutional amendment, if it passes the House. The process might be lengthy. Nonetheless, the process is necessary.

The right to property is a prerequisite for incentive and human progress. It has the support of a great many Canadians, and I hope that we in this Chamber have the foresight to pass the motion and get on with entrenching our right to the enjoyment of property in the Canadian Charter of Rights and Freedoms.

Again, I compliment the Hon. Member for Kitchener for bringing forth this motion. I support it whole-heartedly.

Mr. W. Paul McCrossan (York-Scarborough): Mr. Speaker, I am pleased to rise and support the motion proposed by the Hon. Member for Kitchener (Mr. Reimer) to install