

mean a home, your house, your property. But that goes beyond those considerations, and anything which becomes a property acquired in the normal course of events must indeed be protected against undue encroachment by the state.

So that the NDP Members may be reassured—and I do not quite understand what prompted them to introduce their amendment to the motion—they should keep in mind the fact that Section 1 of the Charter itself provides that certain limits to the full enjoyment of all those protected and enshrined rights may be prescribed by duly constituted and elected bodies when such limits are normal within the structure of a democratic society. I should think that nobody can object to the fact that certain restrictions must be applied on the full and sometimes undue exercise of property rights when it goes beyond reasonable limits.

For all those reasons, Mr. Speaker, because I think that the Constitution is properly balanced—first, Section 1 which provides for those restraints, second, the notwithstanding clause and, third, the fact that even if enshrinement does not guarantee anything more in terms of rights, at least it gives special significance to that enshrined right—for all those reasons, I think it is altogether fitting that, the Charter having been in force for one year, the House should now agree to consider enshrining that new right. We have, of course, to keep hoping because it is a beginning or an impulse given to the mechanism of constitutional amendment. Let us hope that the Provinces will be willing to support that measure. We all know that if they were to refuse to do so, we would be unable on our own to attain that entrenchment, provided we can solve the problems or the procedural imbroglio now under consideration. I hope that once that resolution is passed under one form or another the Provinces will be willing to participate in that process and that, eventually, the property right will be entrenched in the Constitution.

[English]

**Mr. Robert Wenman (Fraser Valley West):** Mr. Speaker, individual rights and privileges are at the very heart of a democratic and free society. The nature of Government is such that even though a Government is democratic, the very passage of law tends to erode and regulate against individual right and privilege in favour of collective rights and collective privileges of the community itself. Most law tends to be restrictive rather than opting for a broader freedom of choice.

● (1550)

Because of the tendency of the democratic process to erode freedom of choice and individual rights and privileges rather than enhance them, it is essential that the right to ownership and enjoyment of private property be entrenched in the Constitution. This is particularly true now since we have a written Constitution. Prior to the written Constitution property rights were possibly better protected under common law.

### Supply

Property rights are not just a constitutional expression. They stand for much more because they are a demonstration of philosophical intent and indicate the nature and direction of the Government and how Canadians really view their basic values. In this sense, property rights are more a statement of philosophy and value.

Since we could have a democratic society in which there is no enjoyment of ownership of private property, that right of ownership is at risk when it is not enshrined. The degree of that risk depends upon the values expressed by whichever Government may be in power from time to time. Without constitutional protection, that particular philosophy which ebbs and flows could abuse and destroy this very basic right of private ownership of property. I would not want to see these rights subjected to the whims of one particular Party in power, either federally or provincially.

British Columbians assumed that private property was in fact intact under the old unwritten Constitution under common law. However, within weeks of being elected in 1972, one of the first philosophic values that the NDP Government brought in was to have expropriation without even compensation.

**Some Hon. Members:** Oh, oh!

**Mr. Wenman:** That was in the first bill that came before the British Columbia legislature.

**Mr. Robinson (Burnaby):** No.

**Mr. Wenman:** It is true. That expropriation without guaranteed compensation contained in that bill was forced to be withdrawn. Public outcry forced them to change it.

**Mr. Robinson (Burnaby):** Mr. Speaker, I rise on a point of order. Will the Hon. Member be prepared to accept a question?

[Translation]

**The Acting Speaker (Mr. Lachance):** The Hon. Member for Burnaby (Mr. Robinson) is rising on a point of order? The Hon. Member has the floor. This is not a point of order. As the Hon. Member is no doubt aware, speeches by Hon. Members are followed by a question-and-answer period, and he will be able to speak at that time.

[English]

**Mr. Robinson (Burnaby):** Mr. Speaker, I rise on a point of order. The Hon. Member knows that he is misleading the House. The first legislation brought before the British Columbia House was—

[Translation]

**The Acting Speaker (Mr. Lachance):** This is debate, and I think the Hon. Member will have an opportunity to discuss the matter later on. Furthermore, this does not constitute a point of order. The Hon. Member for Fraser Valley West (Mr. Wenman) has the floor.