

*Constitution Act, 1982*

Hon. Members, if we had approved the motion which is before us today, who would have had the right to that property? It would have been the CPR, not the Métis.

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

**Mr. Manly:** I challenge Hon. Members opposite to show me otherwise. The fact is that constitutional recognition of property rights would not have enabled the Métis to hold on to their land in opposition to the CPR. Constitutional entrenchment would not have enabled the Japanese people to hold on to their property once the War Measures Act was proclaimed. What is constitutional entrenchment going to do with regard to aboriginal title? There are a lot of concerns here.

**Mr. Taylor:** You are full of excuses.

**Mr. Manly:** When we look at the wording of the resolution, Section 7 of the Charter of Rights and Freedoms would read that everyone has the right to life, liberty, security of the person and enjoyment of property. But I am concerned about that word "everyone"—

**Some Hon. Members:** Why?

**Mr. Manly:** Because, as Members opposite will recognize, it not only includes human beings, it also includes other entities such as corporations. What we have to be very concerned about is that we do not simply end up entrenching the rights of the CPR or of MacMillan Bloedel. They have plenty of funds so they can have access to the courts and go through all kinds of appeal procedures which are not available to the ordinary citizen who cannot afford them. If we are going to look at a resolution dealing with property rights, we have to make sure we are protecting the rights of persons, not just those of large corporations.

**Mr. Nickerson:** That is what it says in the motion.

**Mr. Manly:** That is not what it says in the motion. The way the motion reads it would protect the rights of CPR and other large corporations.

I think the Hon. Member who moved the motion recognized that property is an evolving concept. It is not just land, or the right to land, but covers an expanding number of meanings. We need to recognize that property rights are covered by our Constitution presently. They are part of provincial jurisdiction under Section 92(13) of the Constitution Act of 1867. Many provinces, including those with Conservative Governments, have been extremely leery of entrenching property rights in the Charter. For example, the Hon. Member for Bow River (Mr. Taylor) will be aware of the fact that the Government of Alberta, through its Minister of Intergovernmental Affairs, Mr. Horsman, has indicated that property and civil rights should remain under the control of the provinces and not be entrenched. During the constitutional conference two or three years ago, the Province of British Columbia tried to get a resolution dealing with property rights entrenched in the Charter, and Mr. Horsman canvassed the other provinces and reported that there was very little support for that idea. So they have

some legitimate concerns which must be addressed by the House in dealing with this issue.

● (1740)

Property rights entrenched in the Constitution could very seriously restrict the right of provinces to pass legislation which would protect agricultural land, protect the environment, or ensure that choice recreational land is not bought up and controlled by foreign interests. I am concerned that we not take away the right of provinces to socialize industries for the public good. An example of that is the purchase of potash industries in Saskatchewan. I am concerned that laws to redistribute wealth and create a more just and equalitarian society in Canada not be abridged. Government should be able to act in the interest of all people rather than of a few corporations which have the financial clout.

Some members of the Party opposite have been running something of a fear campaign with a rather simplistic appeal to the natural concerns of all Canadians who would like to be able to own and enjoy their property. This is natural. We respect and endorse it. Although members of the Government opposite talk about property rights, we have seen no action from them that will protect the property of ordinary people from the banks. We have seen no protection from the ravages of unemployment. Instead, they talk about the entrenchment of property rights in the Constitution as a panacea without being aware of the side effects which are involved.

For example, would the entrenchment of property rights give data banks the right to collect personal information and to sell it later on? What protection would there be against that kind of use of personal information? That kind of information is part of the evolving concept of property rights. What protection do individuals have against that? The Conservatives have raised some legitimate concerns, but they have aroused more fear in the general public.

New Democrats have suggested that any proposal to entrench property rights must be subjected to full committee hearings before which a wide variety of people can testify about their concerns. I certainly cannot support the motion in its present form, but we would be interested to see what the Government might bring forward. If the Conservatives are really interested in this issue, it is incumbent upon the front benches of the Government to bring forward a well considered motion rather than a simplistic one such as this. Such a motion should be debated fully in the House of Commons and then referred to a committee process to allow all kinds of groups to be heard. In that way we can be assured that we are not simply acting out of a blind instinct to own property.

I would like to conclude by pointing out that there is a finite amount of land in this world. Our population is still expanding. When speaking of property rights in relation to land we must consider how much land one person needs. There are countries in Central America such as El Salvador where a dozen families control almost all of the land and the peasants have been pushed off. Entrenchment of property rights in such a situation would simply entrench that inequity. We do not want to