

Adjournment Debate

first. It is as if she burned down her horse stable and then called in the Kingston Fire Department to investigate what happened. She brought in the changes first and then appointed a commission of inquiry to look into unemployment insurance inequities.

I see you looking at the clock, Mr. Speaker. I will call it six o'clock and continue next day.

The Acting Speaker (Mr. Charest): It is very generous of the Hon. Member to call it six o'clock.

PROCEEDINGS ON ADJOURNMENT MOTION

[English]

A motion to adjourn the House under Standing Order 66 deemed to have been moved.

THE CONSTITUTION—ENTRENCHMENT OF PROPERTY RIGHTS

Mrs. Mary Collins (Capilano): Mr. Speaker, it gives me great pleasure today to say a few words in connection with a question which I recently asked in the House about the possibility of entrenching property rights in the Constitution. Of course I was very pleased with the response I received that day from the Minister of Justice (Mr. Crosbie) which gave support and hope for such an opportunity. I have been even more pleased by what I have seen come out of a recent meeting of the Minister of Justice along with his provincial colleagues held in Vancouver earlier this month, in that they are prepared to set up a working group which will look at the various issues involved in the possible entrenchment of property rights in the Constitution. Certainly that is a very favourable move forward. Of course I was pleased when our own Prime Minister (Mr. Mulroney) last fall wrote to Mr. David Humphreys of the Canadian Real Estate Association stating: "I want to assure Canadians of my Government's support for the inclusion of property rights as an item for discussion at the next round of constitutional discussions with the provinces". I believe things are moving in the right direction.

What are we asking for at this time? As we know at the moment, under Section 7 of the Charter of Rights and Freedoms, three of our four fundamental democratic rights—those of life, liberty and security of persons—are now included and constitutionally protected. However, the right to property has not been so included. It is my position—and I know it is that of many of my colleagues—that we would like to see the enjoyment of property added to Section 7 of the Charter of Rights and Freedoms.

This is a position which is held very strongly by my home Province of British Columbia. The Ministers of that Government have been working with their colleagues to persuade them that such entrenchment would not bring about some of

the concerns which have been raised by some special interest groups. I am pleased that we now have the support of New Brunswick and the Yukon Territory. I recognize that for such a constitutional amendment to go forward, we would need the approval of seven provinces with 50 per cent of the population. I hope this will work and will proceed in the near future.

Countries which already have the right of property constitutionally entrenched include the United States, Australia, Italy, West Germany, Sweden and Finland. It is a concept not unknown in western countries. Of course it is a concept which goes back hundreds and hundreds of years, really back to the time of King John and the Magna Carta. When the barons came to see King John and talk about what they wanted in the Magna Carta, one item was that no man should be deprived of his property except by the legal judgment of his peers or the law of the land.

That was the first historic statement of property rights and the right to due process. It is something which we are now asking again to be entrenched in the Constitution. Although it has been a practice in common law, we do not yet have the protection of the Constitution in this respect. It is a point of view that has also been supported by a number of national organizations. The Canadian Bar Association, at its annual meeting in Halifax last year, passed a resolution in support of the entrenchment of property rights. This point of view has also been supported by the Canadian Chamber of Commerce, various real estate associations including the National Real Estate Association and a number of municipalities. There is a great deal of support across the country.

● (1805)

There are some specific concerns. While I do not have time today to deal with them all, I did want to touch on several. Some of them come from provinces such as Manitoba and Prince Edward Island which are concerned because they now have laws which restrict the purchase of certain kinds of real estate to persons in those provinces. They are concerned those laws might be considered unconstitutional. We are all aware, we have Section 1 as a safeguard with respect to Section 7. It seems to me Section 1 would provide adequate protection to those provinces as well as to the concerns which are often raised by environmental groups.

Perhaps the most serious concerns, however, have been raised by women's groups. I can assure this House of my great interest and desire to ensure that women's concerns are fully addressed. The concern is somehow the entrenchment of property rights might act negatively against the division of property in matrimonial disputes. Again, my own feeling is that Section 1 could apply in terms of the reasonableness.

I hope that the working group, which the Minister of Justice and his colleagues across the country have set up, can look at that kind of an issue and find the wording or a way that would deal with those concerns. In some respects, the entrenchment of property rights could work to the advantage of women. I really feel that is an issue we can look at and work together on, and I hope we will be successful in the not-too-distant future.