

Property Rights

nor should we compliment them for anything they are doing in this regard.

I could be partisan and say that we should not compliment Tories on anything at all, but far be it from me to raise an issue with that tone. I would never want to do that, even if I should.

Let us recall expropriations of the past. As far as I know, the biggest expropriation ever to take place in Canada was the expropriation of assets relating to the Crown Trust, Seaway Trust, and Greymac Trust companies by the Government of Ontario. That is interesting, considering the fact that a Conservative Member is proposing this property rights amendment, pretending that Tories are the great defenders of that issue.

Mr. Mitges: What about Mirabel?

Mr. Boudria: The Hon. Member across is talking about Mirabel. I am glad he is trying to draw a parallel between those whose property was purchased in an expropriation and those whose property was expropriated in the Crown, Greymac, and Seaway Trust matter and whose assets were never reimbursed. If that is a parallel, the Government across is even more frightening than I thought it was.

In that largest expropriation I have described, people's life savings were taken away. People who had invested their life savings in those corporations were left with nothing. Sure, those who had put their money on deposit managed to get their money back with the assistance of the federal Government through the Canada Deposit Insurance Corporation, but those who owned shares had their property expropriated, and the Government of Ontario said that it was necessary. It dealt with the issue for years and, as far as I know, it is probably still not all resolved even though it happened some four years ago.

Obviously the point I am making is that Conservatives are not totally virtuous and cannot claim virginity as it pertains to expropriation without due compensation.

There are other things about property rights that merit our attention. For instance, we know that in some jurisdictions property rights have in the past been interpreted by courts of law as meaning that someone who owned a factory could actually have the *de facto* legislative power to prevent workers in the factory from unionizing or associating. If a property rights clause were entrenched in the Charter, it would do more than simply protect from expropriation those who own real estate. It would do more than protect those whose property had been expropriated without due compensation by Conservative Governments of the past. It could be interpreted in many ways that would deny other rights based on the fact that property rights would supersede those other rights.

Although many people are in favour of the entrenchment of property rights in our Constitution, I must say that I am very concerned about its possible effects.

Mr. Stan Darling (Parry Sound—Muskoka): Mr. Speaker, I am very pleased to have the opportunity this afternoon to speak on the motion moved by my colleague, the Hon. Member for Kitchener (Mr. Reimer). The motion states that property rights should be included in the Constitution.

Canadians from all across Canada support the idea of including property rights in the Constitution. Like my colleague from Kitchener and many others, I believe that it is extremely important to amend the Constitution so that property rights are protected.

It has been a long-standing policy of this Party that property rights should be well protected. We tried to get it into the Constitution, but the Liberal Government, dealing with the NDP, did not want to protect the rights of Canadians during the historic Constitution debate.

Property rights were included in the Magna Carta of 1215, the English Bill of Rights of 1627, the fifth and fourteenth amendments to the American Constitution of 1791 and 1868 respectively, and in 1948, the United Nations saw fit to include property rights in the Declaration of Human Rights. In 1960, the Canadian Bill of Rights also included the protection of property rights. In 1972, the U.S. Supreme Court confirmed once again the need to have this right entrenched. It declared that property does not have rights, people have rights.

• (1410)

A fundamental interdependence exists between the personal right to liberty and the personal right to property. Neither could have meaning without the other. That property rights are basic civil rights has long been recognized. The UN Universal Declaration of Human Rights, which Canada signed in 1948, stated that everyone has the right to own property individually as well as in association with others. It also said that no one shall be arbitrarily deprived of his property. It is therefore important that we amend the Constitution to let the world know that Canada offers everyone his or her basic rights.

At this time provincial Governments may pass legislation which, in most people's minds, violates property rights, and our judges would be powerless since that would not violate a protected constitutional right.

History has shown that property rights mean more than simply a right to own land. It is not impossible to conceive the idea that social programs like social assistance, chattels, personal property, and patents could be challenged. At this time our Constitution does not protect us, and the courts may find it difficult to disregard one type of property yet allow another.

Some in this House would not want this type of protection for fellow Canadians. It is interesting to note that at this very moment in the Soviet Union, citizens are being given the opportunity to own enterprises, albeit a limited amount. Nonetheless, they are moving in our direction.