

*Constitution Act, 1982*

I am not speaking strictly as a New Democrat, I am speaking also on behalf of provincial Governments and women's groups, just as one of the previous Conservative Members did in the past. I am speaking on behalf of labour, on behalf of people who are concerned about how they will get back wages if there is a property rights clause in the Constitution. Those are concerns that are expressed by many, many Canadians. Therefore, I cannot support this resolution and I will leave it up to other Conservative Members to make sure that it does not pass.

**Mr. Don Boudria (Glengarry-Prescott-Russell):** Mr. Speaker, it gives me great pleasure to participate in this debate this afternoon. I listened very attentively to the comments made by the Hon. Member who proposed the motion as well as to those of the Hon. Member for Churchill (Mr. Murphy).

I think it is obvious that this is an issue with which various Members have very deep concerns on either side of the issue. It is not a clear-cut and easy issue to discuss. The people who have opinions on this issue have opinions which are very heartfelt indeed and they feel very strongly about their beliefs.

I think everyone is in favour of Canadians having their full rights to own and keep what is theirs. I do not think that that is really what we are discussing here today. I think we are discussing what the inclusion of property rights as such in the Constitution will do or could potentially do positively or negatively. That is somewhat different from the principle that everyone wants to retain his or her own property.

I would like to remind the Hon. Member, who presented this motion in a very partisan way by reminding us how the Tories were in favour of this motion and how in his opinion others were not, that in my opinion the largest expropriation that ever took place that I can remember was the expropriation of the shares of Crown, Seaway and Greymac Trust Companies in the Province of Ontario. Those shares were expropriated by a Conservative Cabinet Minister and his colleagues. To accuse others who are not of the same political persuasion of not being in favour of property rights is not quite correct. I would like to remind the Hon. Member who proposed this particular issue of that.

**Mr. Brisco:** Look at the record.

**Mr. Boudria:** Another Conservative Member says, "Look at the record". If we do look at the record, we will find that Governments of various political persuasions have in the past taken actions which affected the rights of individuals owning property. On the one hand, if we look back at the Crown Trust issue in Ontario, it was the public interest or the so-called public interest versus the rights of the individuals owning the shares, an issue which is still being debated in the Ontario Legislature and one to which I am not sure we will ever find the answer. It is a very, very complicated issue.

I do not think that there is anyone here who will say that he or she is in favour of having someone's rights violated or that he or she is in favour of someone's property being confiscated. Again, that is not what we are discussing.

Let us go back in history and look at what happened to the same issue in the United States. For a great many years, courts in the United States interpreted the inclusion of property rights as precluding legislators from enacting minimum wage laws. What would happen if that would be the effect here in Canada? It is fine to say that we are in favour of people retaining and holding what property they have, but on the other hand, the inclusion of property rights must never have that kind of adverse effect on people. I think we must assure ourselves that any amendment to include property rights, albeit many of us are in favour of its inclusion in principle, will not have side effects which are far worse than any benefits that we could potentially derive. I believe that we should always keep that in mind.

As well, the reason why some of the provinces are against the inclusion of property rights, apart from the reason to which I have already referred, is the fact that they are of the view, and rightfully so to a degree, that the property and civil rights issue under the Constitution as presently stated falls within the jurisdiction of provincial Governments anyway, and to put that in the constitutional document elsewhere under the Charter would, in their view, be taking something away from them. I can understand that reluctance on the part of certain provincial Governments. It is not simply an issue of Conservative Members being in favour of property rights and others being against them. Anyone who attempts to portray the issue in that way is over-simplifying it a great deal.

We had a similar debate—I would not say the same debate but a similar debate—not that long ago in this House. At that time, I expressed the view that I was in favour of the principle of our rights being protected, but felt somewhat worried about the potential side effects of such an inclusion. I received a letter from one of my constituents and I would like to quote a few sentences from it if you would permit me to, Mr. Speaker.

*[Translation]*

This is to express my objections to the proposal you received that the right to private property be enshrined in the Constitution.

After reading about this in the newspaper "Le Carillon", I got in touch with other members of my organization to call a special meeting and ask that the proposal be withdrawn. However, because of my workload, I was too busy to follow through with my plan. As you probably know, my work tends to spill over into my leisure time. In any event, I mentioned it to—

—to others . . . in the same organization, Mr. Speaker. This person is talking about a proposal by an organization to which he belongs, and I left out the name on purpose to avoid using this name here in the House. My quote continues:

—and he told me he was not there when the motion was adopted. He said, in fact, that he did not like the suggestion either.

As you know, the right to private property is directly related to the right to work.

That is another subject we could discuss this afternoon, Mr. Speaker.

Why ask for one without mentioning the other? Which is the most urgent of the two? The answer is obvious. I wonder