

Constitution Act, 1982

"7. Everyone has the right to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

He said: Mr. Speaker, this matter has been before the House on a number of occasions. The last occasion it was before the House was in a debate held on April 29, 1983, as reported in *Hansard* commencing at page 24996 or thereabouts. The matter to be debated on that day was brought before the House by the Progressive Conservative Party and was supported by the Minister of National Health and Welfare (Mr. Epp (Provencher)), the Minister of Labour (Mr. McKnight) and the Minister of State for Science and Technology (Mr. Siddon) in their previous capacities.

Not only has this provision been supported by government Members in the past, and I would assume by government Members now, it has been supported by this Party for a great long period of time. You will recall, Sir, that the issue forms the essence of the Canadian Bill of Rights passed by this House on August 10, 1960, and copies of that Bill of Rights are displayed by all Members of this House. The Canadian Bill of Rights sets out the right to own property and to not have property taken away without due process of law.

Indeed, the right to property is so fundamental in our jurisdiction that the history of property rights goes back to the Magna Carta of 1215. At that time, the barons of Runnymede forced the king to recognize their rights to property. The right to property is not just a part of our history but is a part of the history of all civilized countries in the world, as evidenced by the 1948 United Nations Declaration of Human Rights which specifically protects the right of property in Article 17 which reads:

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

That being the case, this right was a question of debate when we were organizing the patriation of the Constitution. Through the negotiations relating to that Constitution, we came out with a flawed Charter. We came out with a Charter that was supposed to be a Charter of Rights but that left out a fundamental right. Indeed, the right to own property is so fundamental that without the right to own property, none of the other rights are worth anything. They cannot be defended. If one cannot own property, how can one pay a lawyer to defend the rights of freedom of speech or of assembly? How does one have an assembly if one cannot have a private hall? A private hall must be a piece of property.

At this time, we have a flawed Charter of Rights. We have a Charter of Rights that is really not worth very much when dealing with the rights of human beings. Therefore, I call on this House, as has the Legislature of British Columbia and, as I am told, as has the Legislature of New Brunswick, to do what must be done under the amending formula, and that is, to restore that which should have been present in the first place and that which was promised by the negotiations but which was somehow left out in order to get the New Democratic Party on the side, as some say. I am sure even members of the

New Democratic Party would want to know that people have rights that can be enforced and supported.

If the state owns all and if the state can control, then the entire system under which we have been operating means little. If the state can take away that which one has, then one's right to speak out and to protect what one says is non-existent. Therefore, I call upon the House to do something it should have done a long time ago, and that is, to pass a resolution amending the Charter of Rights so that it can be whole and so that it can be a Charter of Rights that really means something.

Mr. Don Boudria (Glengarry-Prescott-Russell): Mr. Speaker, it is a pleasure to participate in the debate on the resolution proposed by the Hon. Member. Obviously, all Members of the House will be aware that this is not a new issue but one which has been raised and talked about extensively in the past. In the time that I spent in the Ontario Legislature, a similar issue was dealt with after having been proposed by a member of the Party which I represented. I believe that the Hon. Member for the provincial riding of Waterloo North, Mr. Herb Epp, has proposed a resolution along that line in the hope that the Ontario Legislature could obtain Ontario's consent for such inclusion in the Constitution.

Although I am in agreement with the principle of this motion, I have some reservations. I am of the view that if this resolution is passed, it should be discussed thoroughly at the committee level, and the committee should listen to witnesses from various parts of the country who could discuss possible side effects that could result from the final passage of such an amendment to the Charter of Rights.

We all know that the Canadian civil liberties group has expressed some reticence with regard to the passage of such a resolution and is of the view that it could indeed have severe repercussions. One also wonders what would happen to certain expropriation procedures which exist at this time. Again, having spent some time at the provincial level, I know of the number of agencies and government Departments that have rights of expropriation at this time. You will recognize, Mr. Speaker, that if all of these rights were denied by the passage of such a resolution, there could be serious side effects. When dealing with the construction of roadways, the erecting of hydro towers or any other such matters, we can see that this matter is of tremendous concern to many Members of the House.

● (1710)

There is another concern that must be reckoned with of course, that is, the fact that certain provinces are not yet in agreement that this should be done. In looking through newspaper articles, the last reference which I could find indicated that at least four provinces were not in agreement. I understand that Saskatchewan, Alberta, Prince Edward Island and Newfoundland had not, at the time of the newspaper article, given approval to such a measure. That does not mean that we have to wait for the approval of seven provinces before initiat-