

*Property Rights***PRIVATE MEMBERS' BUSINESS--MOTIONS***[English]***CONSTITUTION ACT, 1982**

SUGGESTED AMENDMENT TO INCLUDE PROPERTY RIGHTS

The House resumed from Thursday, October 15, consideration of the motion of Mr. Reimer:

That, in the opinion of this House, the *Constitution Act, 1982*, should be amended in order to include property rights and, that the Governor General issue a Proclamation under the Great Seal of Canada to amend Section 7 of the Canadian Charter of Rights and Freedoms so that it reads as follows:

"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."

and this House urges that the Legislative Assemblies of all provinces and the Senate pass similar resolutions.

Mr. Deputy Speaker: The last time this matter was debated, the Hon. Member for Glengarry—Prescott—Russell (Mr. Boudria) had the floor.

Mr. Don Boudria (Glengarry—Prescott—Russell): Mr. Speaker, I am pleased to have an opportunity to speak. I have not had the occasion to participate in debate for such a long time.

The last time we discussed this motion, the Hon. Member for Kitchener (Mr. Reimer) had moved a motion suggesting that we consider amending our Constitution by adding the right to own property. I suppose that as a general principle, if I were to ask anyone for his or her initial comments on whether or not people should have the right to own property, the first answer would obviously be yes. However, looking at the issue a little further, one sees that the so-called right to own property does not in fact always exist. Perhaps there is good reason for this.

I bring to the attention of the House, for instance, the fact that a number of provincial government agencies have the right to expropriate property. That, of course, is necessary for the good functioning of Government in a civilized society.

There must be good and proper expropriation procedures to ensure that individuals are reimbursed in cases where expropriation is necessary. There must be evidence to suggest that such expropriation itself is necessary. Once those criteria have been met, expropriations can take place.

I recall that during my days as a Member of the Ontario Legislature this issue came up from time to time. Interestingly enough, one of the greatest opponents of property rights during the time I was there from 1981 to 1984 was in fact the Progressive Conservative Government of the Province of Ontario.

Sometimes people associate Tories with being great defenders of property rights. That, of course, is totally erroneous. Tories have no monopoly on virtue, as we all know,

Under the Bill, a person would commit an indictable offence and be liable to imprisonment for a term not exceeding ten years, or so I am told, when inducing, inciting or coercing a person who is or appears to be under age 18 to produce pornographic movies or material.

I think it is important to underscore the words "person who appears to be under age 18" because some people enjoy making pornographic material, perhaps in certain cases with individuals over 18, but they show or attempt to show that these individuals are much younger, they try to show them as being perhaps only 12 or 13 years of age.

I realize that in some cases it will be difficult to decide whether a person is shown as being younger than he or she actually is. But in certain cases, for example, how can one say that someone aged 19 is shown as being only 17? These are difficult cases. I am sure that those who will be responsible for dealing with these cases will use their judgment in such circumstances.

Still in most cases we see something really different. For instance, we see a young woman dressed and with her hair done to look as though she is 11 or 12, an attempt to show that she is much younger. In such cases I think the Bill should contain specific provisions to deal with these people, including indictable offences applicable to people who radically change their age or appearance in an attempt to appear much younger than they are.

Mr. Speaker, here is the position of our Party with respect to this Bill. First, in terms of principles, we agree that legislation is needed and that time has come for Parliament to take action in this field. It is no longer good enough to say that we reject any attempt to pass legislation, and this is why we want this Bill referred to a legislative committee as soon as possible.

Still it must be noted that we want to amend certain provisions, for example those which relate to erotica, for often there is confusion about what is erotic and what is pornographic.

We are also concerned about the great severity with respect to sexual relations which, in this Bill, are purely and simply forbidden. I would suggest that if there is no violence, and so on, showing a sexual relation in a film is not always necessarily pornographic.

Mr. Speaker, in the few moments I have left I should like to conclude by simply telling the House that I hope this Bill will be referred to the legislative committee as soon as possible so we can make the necessary amendments. I want the Bill to go ahead once the required amendments have been made.

[English]

Mr. Deputy Speaker: It being 2 p.m., the House will now proceed to the consideration of Private Members' Business as listed on today's Order Paper.