

*Constitution Act, 1982*

protection of those rights within our Constitution is a question we have all been debating in recent years, and having been very much involved in the constitutional process, I can inform the Hon. Member that property rights received a great deal of attention from Parliamentarians and committee members at the time. Now it should be understood that it was not indifference to the concept but the need for a compromise formula that led to the omission of property rights at the time the Constitution was patriated.

Mr. Speaker, I can assure the Hon. Member that his intentions are praiseworthy and that my party colleagues, when we were sitting on the Constitutional Committee as individual Members, were agreed on including property rights in the Constitution, but unfortunately, politics being the art of compromise, and considering the government's need at the time to reach a consensus on the Constitution and the Charter of Rights, property rights unfortunately fell by the wayside, at the insistence of some provincial governments and some of our colleagues in the New Democratic Party, who most certainly were influenced in their decision by friends in the provinces. The fact is, Mr. Speaker, that at the time we were under tremendous pressure, and compromises were reached on a large number of issues relating to the Charter, including the definition of certain rights, and in this respect, I think the Hon. Member's initiative is very appropriate. I think that at the time, politicians, in their concern for achieving a praiseworthy goal, unfortunately neglected—

**An Hon. Member:**—neglected Quebec.

**Mr. Lapierre:** The Hon. Member says: "neglected Quebec", and I agree. In a perfect world, we would have liked all Canadians to applaud in unison. Unfortunately, that was not to be, and I hope we will be able to remedy this unfortunate incident or accident, and I should be happy to support the Government if some honourable solution could be found. Nevertheless, I am very happy with the Hon. Member's initiative, because at a time when Parliament will be examining Senate reform, and when we will want to include Quebec in the Constitutional Agreement, I think the Hon. Member's concern is shared by Members in my own caucus, and he can count on our support, because we will be able to take a fresh look at this question, and since his leader is always talking about his new spirit and new openness, I hope that improved relations with the provinces will make it possible to enshrine property rights. In fact, in a society like ours, Mr. Speaker, property rights should be fundamental and be given protection against the tyranny of the majority.

I think all Canadians could go along with this concept. I think Canadians have a fundamental belief in the rights of the individual and the need to work to acquire property that can be left to future generations, and I think all our fellow Canadians would be pleased to see these rights protected.

Mr. Speaker, a number of governments at the time objected because it might create problems for their powers of expropriation, and so forth. I am very pleased. I think that ever since the Charter became effective, which is fairly recent, and especially where it has served as the basis for court decisions, I do not think anyone has found anything wrong with it. I do not think the courts have set themselves up as a distinct power. They have been strictly applying the provisions of the Charter in a fair and equitable manner, and they have occasionally, and rightly so, made Parliamentarians see reason. Bearing that in mind, I am very pleased with the Hon. Member's initiative. I would even say that there are certainly more improvements that could be made in the Charter, and I think that through the kind of initiative proposed by the Hon. Member and others, we may be able to give Canadians a better Charter.

As I said earlier, the Charter was a compromise. Very important concepts were left out. However, Canadian society is changing, which means there will always be a chance to add improvements. I am thinking, for instance, of Quebec's constitutional proposal. In that proposal, it is said that the Quebec Charter of Rights and Freedoms is more generous than the Canadian Charter. Unfortunately, it does not have the ultraparliamentary effect of the Canadian Charter but it contains more generous provisions for many citizens or classes of citizens. In that sense, I hope that the compromise formula arrived at in the constitutional negotiations with Quebec will add new guarantees for the citizens, new elements to the Canadian Charter which will make it more in keeping with the Quebec Charter.

But, in fact, Mr. Speaker, we, parliamentarians, are the ones who must agree to limit ourselves. I think it is important for all of us and the compromise made at the time of patriation needs to be reviewed. Everybody agrees. The corrective measure proposed by the Hon. Member is very reasonable and very commendable, and I am pleased with it. I can see some of my colleagues from Quebec who might be too. I think it could be a solution to improve the Canadian Charter.

We have all had a look at Mr. Lévesque's proposals, and particularly the details concerning the Quebec Charter. I think it could be interesting to increase the scope of the Canadian Charter to include in it provisions which are somewhat similar to those of the Quebec Charter. As a matter of fact, these are all principles on which politicians in general, especially Canadian politicians, because they are strictly the instruments of the population... Certainly, the Canadian people could appreciate the expansion of the scope of the Charter.

Mr. Speaker, I remember when we talked about the entrenchment of a Canadian Charter in the Constitution, several of my colleagues here were sceptical. We thought about the supremacy of Parliament, and we all remembered our law classes where we learned that the only thing Parliament cannot do is change a man into a woman. We all remembered those honourable concepts but in fact, science has