

Supply

Question Period on April 18, 1983. The Prime Minister's words will be found in *Hansard* at page 24576, as follows:

I will make an offer now which I hope that the Acting Leader of the Opposition will accept on behalf of his Party. If we can have all-Party agreement—I would not even say "all-Party agreement"—I would say that if we can have agreement of the Conservative Party to introduce an amendment on property rights and to pass it in 24 hours, I will undertake to do that, to convince the Minister of Justice that it would be done.

Later that day and in subsequent discussion, the Prime Minister even goaded Members of this Party to get on with making a commitment to accept the wording as first proposed by the Government during the summer of 1980 and subsequently by way of the Solicitor General's (Mr. Kaplan) acceptance of our amendment to the Constitution on January 23, 1981. The Prime Minister urged us, once again as recorded in *Hansard* at page 24578, by saying the following in reply to the Leader of the Opposition (Mr. Nielsen):

That is what is always lacking in the question of the Hon. Member—

The Hon. Member to whom he is referring is the Leader of the Opposition. The Prime Minister continued:

—any undertaking by his party to do anything except try to push the Government, but it never sticks its own commitment out. I would like to see it.

In other words, the Prime Minister was admonishing the Opposition and urging us to stick to our commitment. This is clearly what we have done in the House and it is embodied in the resolution before us today for debate.

Continuing with exchanges in the House, we note on page 24675 of *Hansard* for April 20, 1983, that in response to a request from the Prime Minister, the Leader of the Opposition gave the wording of the amendment which had been included in the amendment put by our Party to the Special Joint Committee on the Constitution on January 23, 1981. That amendment contained the following provision:

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 principles of natural justice.

In a paragraph further down on that same page of *Hansard* it is indicated that the Prime Minister responded by specifying the wording of the amendment to be accepted. It is identical to that put forward in our amendment on January 23, 1981, except for one slight change of one word, as pointed out by the Hon. Member for Provencher.

The amendment which the Prime Minister chose to accept reads as follows:

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.

If you look at the motion on the Order Paper today, Mr. Speaker, you will find that this Party has consented to the Prime Minister's slight modification, albeit with some reservations because, in our view, the term "natural" would imply that justice would be applied in a spirit of fair play. The Prime Minister's wish is that the word "fundamental" be substituted for the word "natural". This implies a more institutionalized interpretation of justice which we feel may abridge the interpretation of the clause. Nonetheless, this Party is prepared to accept, with that one slight modification, the amendment as

proposed in the House on April 20 by the Prime Minister which is before the House today in the form of a motion in the name of the Hon. Member for Provencher. Reading from the Order Paper, it is an amendment to Section 7 of the Constitution Act, 1982, which reads:

● (1230)

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.

We want to find out today what is the precise position of the Liberal Party on this question. We do not want any more game playing. The Hon. Member for Provencher put forward a very simple message whereby, if the Government wishes to avoid a confidence vote on the issue on Monday afternoon, we are prepared to have introduced to the House on Monday morning the same motion in the name of the Government and to pass it within 24 hours, by the end of the sitting day next Monday.

The people of Canada want to know, without any further debate or public discussion for which the NDP are calling, where Members of Parliament stand on one of the two fundamental rights that first brought Canadians to this country. It brought our forefathers and various immigrants to this country. It took them West. I am referring to the benefit of grants of land to build their own futures, to practise their religion freely, to speak freely and to realize the highest and best use of that God given land to which they then could feel entitled. We want to know now, or by Monday when the vote is taken, whether the New Democratic Party and the Liberal Party are prepared to extend to Canadians as free Canadians that right to ownership and enjoyment of property.

If we go back in history we find that not only the right to own and enjoy property is fundamental to Canadian history. As the Hon. Member for Provencher pointed out, it goes back to the time of King John, the Magna Carta and the constant struggle through history, which went hand in hand with the evolution of the parliamentary system and with the evolution of property rights and individual rights as a means of escape from monarchism, feudalism and the baronial entitlements, previous systems under which some citizens had many more rights, powers and privileges than others.

The principle of equality in a democratic society evolves around the fundamental right of individuals and citizens to be able to call things their own, to be able to say, "That is mine", whether it be a piece of land, a building, a business, an automobile, a diamond ring or the widow's lowly mite. We in this Party believe that the right to enjoy property is something that is inalienable and that Governments cannot abridge, except as provided for in the amendment, with certain provisions for justice to apply where the interests of the larger community might be offended against or restricted by the demands of a property owner to do something contrary to the well-being of those around that individual.

It is interesting that the Canadian Bill of Rights incorporated this provision. Mr. Diefenbaker had the foresight. In