

Ottawa Report

Property rights fight finds a real champion

There's been a lot of controversy over the last few days about the government's proposal to put the right to own property back in the constitution. And a lot of people have criticized me, for being a champion of that right.

So, let me try to make it clear what's at stake here.

Since the constitution was changed in 1982, we have not had the right to own property. It was taken from us, after 116 years of Canadian history. This means

there is no guarantee that if a government takes our property, we will be fairly compensated for it. Without the right to own property, we are not ensured of due process of law to protect it.

My position has been clear: If the constitution is going to change to satisfy Quebec (with the distinct society clause), or our aboriginal people (with self-government), or Western Canada (with an elected Senate, then middle-class homeowners should

also get something. And that something is the right to own property, and not to be deprived of it without due process of law.

It all seemed simple enough to me. Owning property, let's remember, is the difference between our society and communism. As Karl Marx said, "The theory of the Communists may be summed up in the single sentence: Abolition of private property."

I believe in the individual's

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are, or how they will affect society.

Entrenching property rights means altering Section 7 of the Charter of Rights by adding four words. The section now reads: "Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

Amended, this section would read: "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."

Some people are arguing that this property right is too broad - that is could override laws about who we can rent property to, or pollution controls. But think about it - we have the right to "liberty" now, but that does not mean this right can't be taken away when we're jailed for a crime. We do not have the "liberty" to commit criminal acts, ignore government's laws or park on our neighbour's lawn.

Similarly, our right to "security of the person" does not allow us to carry AK-47s. We do not have the right to security or income, or housing.

In short, all our rights are subject to what's best for a "fair and democratic society," as the Charter of Rights says. Society's rights - through laws - can always supersede individual rights. That way we can protect the environment, lock up criminals and ensure family assets are fairly shared.

right to own property. I believe that in a democracy, people should be given as many rights as possible. We should be free and unencumbered - and have as little government as necessary.

But a lot of people disagree with me. They believe that society's rights should dominate those of the individual, and so giving us back the right to own property scares them.

Last week my ideas were condemned in newspaper editorials from Montreal to Edmonton. Critics came forward warning that if we had the right to own property, then we'd also have the right to pollute our land; to say firearms were, property (and therefore protected); or to claim that employees were the property of employers, and could be treated any way at all.

Some of what was said was simply bizarre. It came from people who want governments to control our lives - from rent control to pay equity laws to excessive taxation. It certainly came from people who do not understand what property rights

Queen's Park Report

A Canadian social charter

Quite a few things have happened at Queen's Park since we've returned for the fall sitting and I'd like to share two of these events with you.

On September 20th, Premier Bob Rae released a discussion paper entitled A Canadian Social Charter: Making Our Shared Values Stronger. The document was developed in response to the package of proposals recently tabled by the federal government aimed at reforming the Constitution of this country and the way in which we govern ourselves. The provincial government has been seeking out your views on the issues that need to be addressed in a federal constitution. The Select Committee on Ontario in Confederation, as you may remember, held public hearings across Ontario and subsequently issued a report on those hearings. These and other consultations



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resulted in the publication of the above paper about the need for a social charter to be expressed in the Constitution. Our Premier indicated the need for the charter as a significant part of nation-building. "The document shows Ontario residents how some of our country's most important

achievements, like medicare and universal education, can be protected and guaranteed. Being a Canadian means more than just having a formal set of rights. It means giving constitutional teeth to our common sense of what we are entitled to as Canadians."

The discussion paper outlines the following points:

- the main features of Canada's social programs as developed within a federal structure
- roles that governments play in developing, financing and administering social programs
- the four elements which could form the basis of a social charter: entrenched principles, institutions for implementation, public participation, and a commitment to national sharing
- a variety of options for elaborating on how these four elements might be defined and entrenched in the Constitution.



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