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—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Monday, February 21, 2005

The House met at 11 a.m.

Prayers

• (1100)

[*English*]

BUSINESS OF SUPPLY

The Speaker: It is my duty pursuant to Standing Order 81(14) to inform the House that the motion to be considered tomorrow during consideration of the business of supply is as follows:

That the House call upon the government to implement the measures recommended in the latest Auditor General's report to improve the framework for the accountability of foundations, in particular, to ensure that foundations are subject to performance audits that are reported to Parliament and that the Auditor General be appointed as the external auditor of foundations.

• (1105)

[*Translation*]

This motion, standing in the name of the hon. member for Medicine Hat, is votable. Copies of the motion are available at the Table.

[*English*]

It being 11:06 a.m., the House will now proceed to the consideration of private members' business as listed on today's order paper.

PRIVATE MEMBERS' BUSINESS

[*English*]

CHINESE CANADIAN RECOGNITION AND REDRESS ACT

Ms. Bev Oda (Durham, CPC) moved that Bill C-333, an act to recognize the injustices done to Chinese immigrants by head taxes and exclusion legislation, to provide for recognition of the extraordinary contribution they made to Canada, to provide for redress and to promote education on Chinese Canadian history and racial harmony, be read the second time and referred to a committee.

She said: Mr. Speaker, I am honoured to speak to Bill C-333 today, the Chinese Canadian Recognition and Redress Act. I thank the member for Dauphin—Swan River—Marquette for his work on this important bill.

As early as 1788, the first Chinese to Canada were 50 carpenters and craftsmen who built a fort on Canada's west coast. Seventy years later the first Chinese gold miners arrived in British Columbia to join thousands of gold miners travelling up the Fraser River. Their arrival marks the establishment of a continuous Chinese community in Canada. In 1861 a Chinese baby was born in Victoria, the first to be born in Canada.

In 1872 the British Columbia Qualifications of Voters Act denied both the Chinese and first nations people the right to vote. This discrimination based on one's race continued to plague the Chinese in Canada for the next 75 years.

Between 1880 and 1885 thousands of Chinese were employed by the Canadian Pacific Railway to construct the iron bridge that brought this country together. In total, 15,700 Chinese were recruited to work on this endeavour, one that played a large part in bringing British Columbia into Canadian Confederation.

Once that feat was completed in 1885, the federal government introduced an act to collect a head tax of \$50 per person to restrict the entry of Chinese immigrants to Canada. After 1902 the head tax was raised to \$100 and then in 1903 raised again to \$500. Despite this burden, more and more Chinese made Canada their home.

By 1919, 6,000 Chinese, over 210 families, were living in Vancouver. In Toronto, 2,100 Chinese were making a way of life in Canada. Across Canada almost 37,000 Chinese were part of our communities and towns.

Even after a dozen Chinese served in the Canadian army in the first world war, in 1923 the Chinese Immigration Act was introduced. This exclusion act prohibited Chinese immigrants from entering Canada with few exceptions. This meant that wives and children were not able to join their husbands and families and all Chinese, even those born in Canada, had to register with the government.

Despite this blatant racial discrimination, they continued to make a life here in our country. Their efforts included some 500 Chinese Canadians fighting in our armed forces during World War II. The Chinese Canadian community was also diligent in raising money for our war effort.

Finally, in 1947 the exclusion act was repealed and Chinese Canadians were given the right to vote in federal elections. Ten years later, in 1957, Douglas Jung was the first Chinese Canadian elected to the House of Commons. However not until 1967 were the Chinese given the same immigration rights as any other group seeking to make their life in this country.

Private Members' Business

The Chinese Head Tax and the Exclusion Act are the two most known acts of discrimination in the history of this community. They are acts of a government that says it is rooted in democracy and of a country that is proud of its multicultural heritage.

The Chinese Canadian community was one of the first diverse cultural communities to come to Canada. After over a century of its presence we have left this mark of racism in our legacy.

Today, despite a history of racism, struggle and alienation, the Chinese Canadian is a thriving, contributing community across Canada. They are great contributors to all segments of our society. I am asking the House to support Bill C-333 as recognition of these acts of government that were based solely on race and to signify that despite their hardships the Chinese Canadian community has historically played a key role in the making of this country.

• (1110)

I am proud to be a member of the House and, almost 50 years after Mr. Jung, the first Chinese Canadian to serve here, to have an opportunity to redress a wrong that for over a century has never been recognized by our governments.

No one person or groups of persons should be lessened by their race or heritage. Racism is not and should not be a part of my community or my country, Canada. Racism and prejudice are not acts in which anyone or any country can take pride. They are embedded in attitudes, comments, slurs and acts of ignorance. We must always be vigilant to ensure that racism is not allowed to overtake our own acts and attitudes.

We can be vigilant, but every generation must be made alert and aware of its insidious presence, and so, in Bill C-333, I propose both recognition of the racism under which the Chinese community has become a part of Canada and redress for this country's part in its racist acts to this community.

Bill C-333 will provide for the recognition of the historical injustices that were brought to the Chinese community as well as its extraordinary contribution to our country. Bill C-333 will also provide for education on the Chinese community and its history in our country and the promotion of racial harmony.

We must all take responsibility in making Canada the truly multicultural country we are so proud of. Yes, today we are responsible for what happens tomorrow, but I believe that we must remember our history and learn from it. By recognizing our past, we can move on with increased vigour and a sharper eye if we recognize our wrongs and enable increased vigilance in the future.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I want to say how much I appreciate the fact that the member has raised this important issue in Bill C-333.

I believe it follows in the tradition of a former colleague of ours, Margaret Mitchell, from Vancouver East, who raised this issue a number of years ago in the House. I must say it is sad that we are still debating it all these years later. We need to take responsibility for this terrible and racist chapter of our history. I strongly support the idea of redress on the issue of the head tax and the Chinese immigration act.

I have questions for the member about her bill. Why has the member chosen to limit the consultation, limiting it only to one organization representing the Chinese Canadian community when in fact there are a number of fine organizations that represent members of the Chinese Canadian community? Why is there a limitation on the consultation process in the bill?

Could the member also tell us why she has placed a limitation on the kind of compensation that might be negotiated as a result of the negotiations around Bill C-333? Why, for instance, has she not made it possible for individuals who were directly affected by these terrible acts to be compensated?

• (1115)

Ms. Bev Oda: I thank the member for his support and his questions. The act has been crafted in such a way as to ensure that the bill is recognized by the House and gains the support that it needs. I believe that over almost a century of injustice we have to make the first step, which is the recognition of the injustice, and we also have to recognize the contribution of the Chinese Canadian community to Canada and to our history.

I believe we have to recognize diversity even within the Chinese Canadian community. The organization I have noted in my bill is one that is an umbrella organization and represents a grand diversity of all the communities involved right across the country.

As well, this offers the government an opportunity to stand up and take the initial first steps in working with the community, not only to find a way that is agreeable and compatible with the government's will but also with that of the communities, finding the way so that, first of all, the recognition is there and also that there will be some form of redress which will be negotiated to the satisfaction of the communities.

Mr. Roger Valley (Kenora, Lib.): Mr. Speaker, Canada is a country of openness, proud of its diverse heritage, where values of fairness, generosity, respect and caring have shaped its history. It is a country of opportunities that respects and celebrates the cultural, racial, ethnic and religious diversities of its population. As Canadians, we have a collective responsibility to make every effort to sustain a society that values all of its members and treats them with dignity and respect.

Our history records that at times these values have been violated. Early in its history, Canada had slavery on its own territory. It was not until 1834 that slavery was abolished in Canada, ending this inhumane treatment. We have witnessed immigration practices in the past that were not in line with our Canadian values of today. During the two world wars, members of some Canadian ethnocultural communities were detained and their loyalty questioned.

The Government of Canada understands the strong feelings underlying requests for redress for incidents in our nation's past. As Canadians we all share in the responsibility to learn from the lessons of the past.

Private Members' Business

Some ethnocultural communities continue to press the government for an official apology and financial compensation as essential elements of redress. Other communities have signalled their willingness to accept a non-monetary resolution as long as no other community receives financial compensation.

As with many other social issues, there are no simple solutions. The needs of individuals in specific communities cannot be separated from those of the broader society. Resources are limited and must be applied where they can have the greatest impact.

Perceptions and views are often divergent and require thoughtful deliberation to find common ground. The issue is whether to attempt to address the past or to invest in the future. The federal government believes the best approach is to uphold the 1994 policy on historical redress and use limited public resources to create a more equitable society today and a better future for generations to come.

The Government of Canada remains committed to strengthening the fabric of Canada's multicultural society. In the October 2004 Speech from the Throne, the Government of Canada pledged to pursue its objectives "in a manner that recognizes Canada's diversity as a source of strength and innovation". It also pledged "to be a steadfast advocate of inclusion and to demand equality of opportunity so that prosperity can be shared by all Canadians".

In line with these commitments, the government is now advancing a number of multicultural and anti-racism initiatives designed to cultivate an even more equitable, inclusive society.

The Government of Canada has a multifaceted approach to combating all forms of racism and discrimination. We have a comprehensive framework that includes legislative practices and programs.

I will focus on the activities and role of the multiculturalism program of the Department of Canadian Heritage in addressing issues of racism and discrimination. Under the mandate of the program, the Department of Canadian Heritage is committed to ongoing priorities that include fostering cross-cultural understanding, combating racism and discrimination, promoting shared citizenship, and making Canadian institutions more reflective of Canadian diversity.

Under the mandate of the Canadian Multiculturalism Act and policy, the Department of Canadian Heritage and other government departments address issues related to racism and discrimination by focusing on public education, capacity building, institutional change and research initiatives.

This broad-based approach aims to combat all forms of discrimination and is designed to respond to the diverse demographic reality of Canadian society. Analysis of the 2001 census and the ethnic diversity survey released in 2003 underscore two strong realities: the extent of ethnoracial diversity in Canada and the significant number of people experiencing racism and discrimination.

In regard to policy approaches, the multicultural program has a central role in helping shape a progressive, inclusive Canada by advancing multiculturalism within the federal government and working with key stakeholders. For example, the multiculturalism

program is responsible for preparing an annual report on the implementation of the Canadian Multiculturalism Act. Under the act, federal institutions are required to outline how they have changed and refined their policies, programs and services and to respond to increasing Canadian diversity. The annual report for 2003-04 was tabled in Parliament on February 7.

• (1120)

Canadian Heritage has also done a considerable amount of research on discrimination in Canada, using data from the ethnic diversity survey. The survey has been used to examine the different levels of discrimination among different visible minorities and religious groups. In addition, the department has examined the level of discrimination within visible minority groups in terms of immigrant generation and the city that respondents live in and has analyzed the data to consider the potential impact discrimination might have on social capital variables and civic participation variables.

In 2003-04, through a joint research initiative with the Social Sciences and Humanities Research Council of Canada, the multiculturalism program identified three key research priorities, one of them on indicators of racism. Results from last year's research call are not yet available, but this demonstrates a commitment to research on racism and anti-racism.

In addition, the Department of Canadian Heritage continues to work with the metropolis project and its five joint centres of excellence. Through these centres, all types of research are produced with respect to migration and diversity, including racism, anti-racism, and social, political and economic inclusion.

In regard to education and promotion, under the multiculturalism program, the unit responsible for promoting diversity and respect places a broad emphasis on public education and outreach for advancing the program's overall objectives and assisting the government in its commitment to promoting cohesion in Canada through year round programming.

This essential element of the multiculturalism program places a special emphasis on targeting youth. For example, to commemorate March 21, the International Day for the Elimination of Racial Discrimination, the Department of Canadian Heritage launched its first federal awareness campaign in 1989. Over the years, the campaign has evolved to include the "Racism. Stop It!" national video competition, which has provided a means of engaging youth in the commemoration of March 21. The competition invites youth aged 12 to 18 to express their thoughts on the elimination of racial discrimination.

Private Members' Business

In 2003-04, the multiculturalism program funded 268 initiatives. Of these, approximately 133 are aimed at engaging communities and the broad public in informed dialogue and sustained action. For example, through the multiculturalism program of the Department of Canadian Heritage, the Chinese Canadian National Council will receive more than \$400,000 over three years for a project to help this community combat discrimination by building stronger networks among organizations working on Asian Canadian issues and by developing the awareness and capacity of Asian Canadian communities to respond to hate and racism activities, with a particular focus on youth.

The Metro Toronto Chinese and Southeast Asian Legal Clinic will receive almost \$600,000 over three years as trustee for the National Anti-Racism Council of Canada. The National Anti-Racism Council, a coalition of more than 50 anti-racist and human rights groups from across Canada, including the Chinese Canadian National Council, will undertake a multi-year initiative to help build a Canada-wide community based capacity to address issues of racism and related intolerance through the use of domestic and international human rights principles, standards and instruments, and through the development of effective national and community based response mechanisms.

As well, it will engage in community, public and media education concerning racism and related intolerance and provide input and advice on anti-racism principles and related initiatives to government agencies, foundations, public and private sector institutions, community groups and civil societies.

The Interdepartmental Committee on Public Education and Outreach, under the multiculturalism program, works with federal public servants to increase their awareness of the growing diversity of Canada so that the needs and realities of Canada's diverse population are reflected in federal policies, programs and practices and to help remove barriers experienced by members of ethnocultural communities.

• (1125)

The committee also supported projects promoting cross-cultural and interfaith understanding among Canadians and among members of the specific target audiences such as public servants and youths.

Some of the initiatives supported through the multiculturalism program include the development of educational materials, tools that are used in schools and youth centres, conferences, workshops, other learning events that bring together different segments of the Canadian population such as ethnocultural communities, religious organizations, researchers, public institutions and other researchers.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am very pleased to have this opportunity today to rise in the House to speak to the issue put forward in Bill C-333. I would like to thank the member for Durham for bringing it forward. I also would like to recognize that the member for Dauphin—Swan River—Marquette had originally put forward this bill in an earlier Parliament.

In speaking to the bill today, first, I want to say that the NDP agrees that this is a very critical issue. We are talking about a history of 62 years of legislative racism in the country, from 1885 to 1947, when Chinese Canadians had to pay the \$50 head tax and then between the period of 1923 and 1947, when they had to face the

Chinese Exclusion Act which prohibited immigration from China to Canada. We are talking about a very dark mark on Canada's history.

I would point out that if the head tax today were repaid to the approximately 81,000 people who paid it, we would be talking about \$23 million. If that head tax today were put into a 2005 dollar value, it would be about \$30,000 per person. We begin to get a sense of the enormity of that head tax and the financial cost and burden it imposed on families and on workers who came to Canada during that period.

As was noted by my hon. colleague from Burnaby—Douglas, I also want to recognize the work of Margaret Mitchell, the former member of Parliament who first raised this in the House around 1984. It was as a result of a radio program in Vancouver in the Chinese Canadian community when Hanson Lau put out a call, which is very well documented in the film *In the Shadow of Gold Mountain* by Karen Cho, a wonderful film that gives the history of this issue. It was because of that radio program that members of the community came forward to Margaret Mitchell and asked her to raise it in the House, which of course she did. She raised it many times in the House with really no response from the government of day, and never since that time.

I myself put forward a motion in Parliament in March of 2001. I reintroduced that motion in this Parliament. I want to talk about this issue. We are very concerned that the bill before us, while its intentions are good, does not deal with the issue as it is being debated and how it is being articulated in the whole community. Unfortunately, the bill does not reflect the debate and the position taken in the whole community.

We know for example that the Chinese national congress had an important class action case, with a number of individuals seeking compensation. Although that case was not won, the decision in July 2001 was important because part of the decision clearly put it back to Parliament. Part of the decision from the Ontario Superior Court was that Parliament should consider providing redress for Chinese Canadians who paid the head tax or who were adversely affected by the various Chinese immigration acts.

There has been a history within the community of various positions. I know the NCCC has advocated for about 4,000 claimants who want to see this issue dealt with. They want to see an official apology by the Government of Canada. They want to see a negotiation process take place whereby the issue of individual compensation can also be addressed. Unfortunately, the bill before us today does not deal with that aspect, which is very troubling.

Regrettably the member for Durham did not answer the questions put forward by the member for Burnaby—Douglas. We want to know why the bill singles out one organization when other organizations like the NCCC have been very active on this file and in bringing it forward. Why would the bill only specify one organization? Why would we have a bill that really does not reflect the position of the whole community? That is very important to do.

We want to put those questions to the member because this is the first hour of debate. We will go through a second hour of debate and then there will be a vote. We are very interested to know how the member intends to respond to the very real concerns in the community.

● (1130)

At a press conference today, members of the NCCC made it clear, and these are leading members of the Chinese-Canadian community, that in its current form the bill is not supportable. We want to get some indication from the member about these concerns as we approach the vote and what may happen in terms of the bill going forward to the committee where we would have an opportunity to look at some amendments to reflect what is going on in the community.

My motion, for example, talked about establishing a framework that would include a parliamentary acknowledgement of the injustice of these measures. It would include an official apology by the government to individuals and their families for the suffering and hardship caused. It would include individual financial compensation as well as community driven compensation through, for example, an anti-racism advocacy and educational trust fund. We need to look at these elements.

While I appreciate the member bringing forward the bill, I want to put it back to her in terms of responding to these concerns that have come from the community. We would agree, though, that this is a very urgent issue.

For example, Mr. Daniel Lee, an 84 year old World War II veteran lives in East Vancouver. In a recent story in the local press, he said that while he was still alive, he would like to receive one thing from the federal government, and that was an apology for the imposition of the head tax on his father and grandfather when they arrived from China.

We also have Mr. Kwan, who is now in his nineties and is one of the survivors. We should recognize that the group is getting smaller and smaller. As people become elderly, it becomes a very pressing issue. I know that Mr. Kwan as well has maintained a constant campaign and struggle to have the issue recognized, to have an apology, to have redress and to deal with the issue of compensation. It was very well laid out in the movie, *In The Shadow of Gold Mountain*.

I come to what is the position of the government. I know there has been a lot of debate about this. There is a concern about the precedents that will be set. The fact is we already have precedents in the country. The Japanese-Canadian redress is one where an historical injustice, based on a racist legislation or policies, has been recognized. It has been formally acknowledged, an apology given and redress and compensation provided.

What is important with the bill is that the government deal with the issue on its merits. What we have heard from the parliamentary secretary has not given us a lot of hope that the issue will move forward. I would implore the government, from our perspective in the NDP where we have worked on the issue now for more than two decades, and say to it that this really demands a response. It demands that the government be proactive.

Private Members' Business

The most important first step is for the government to sit down with representatives of the individuals and families involved and different organizational representatives in the community to begin a negotiation process. It is not up to me to say what it should be or what the compensation should look like, whatever it might be. The process has to be entered into in good faith between the Government of Canada and the community.

Negotiation means that we have to look at the issues. We have to look at where we can agree on certain aspects and what are the principles. If we had a commitment from the Liberal government that this could happen, people would see that as a step forward.

The member should respond to the concerns of the community about her bill and whether she is prepared to look at amendments to broaden its scope to reflect those concerns. I would implore the government to send a message that it will sit down and begin a negotiation around a framework that includes representatives of the communities and the families so we can finally deal with the issue of the terrible injustice done many years ago in a just way.

● (1135)

[*Translation*]

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, I wish to speak to this motion tabled by my colleague from Durham on Bill C-333, an act to recognize the injustices done to Chinese immigrants by head taxes and exclusion legislation, to provide for recognition of the extraordinary contribution they made to Canada, to provide for redress and to promote education on Chinese Canadian history and racial harmony.

As the House now knows, at the end of the last century, Chinese immigrants were employed in western Canada to a large extent in mining, but especially in the construction of a major Canadian symbol, the Canadian Pacific Railway. This was certainly a very expensive project, economically speaking, but it had a much higher cost in terms of the treatment of the railway construction workers and their families.

The contribution of the Chinese community needs to be recognized, and this dark chapter in Canadian history needs to be redressed. When economic conditions deteriorated toward the end of the 19th century, an anti-Asian sentiment developed in Canada. This led to the introduction of a tax to limit immigration by Chinese people, in particular.

The first measure of this kind was a \$50 tax per person introduced in 1885. This tax would then increase twice going from \$50 to \$100 in 1903. Then, three years later, it was increased to \$500. It goes without saying that for most people, \$500 at the time was as much as two years' salary.

These immigrants, not all of whom had a choice about coming, had to work like slaves and neglect their families to repay this huge sum, which took them many long years to do.

Because immigration from China continued, despite the fact that anti-Asian sentiment did not wane, on July 1, 1923, the Dominion passed legislation known as the Chinese Immigration Act, restricting immigration from China. This legislation, also known as the Chinese Exclusion Act, was viewed as a terrible humiliation by the Chinese community living in Canada.

Private Members' Business

It is not surprising that, for over 20 years, the Chinese community, specifically, the Chinese Canadian National Council, has been demanding that the government redress the past injustices that Asian immigrants were subjected to. That is the purpose of the motion by my colleague from Durham. Furthermore, the Bloc Québécois is happy to discuss this alongside him, because it is a matter of righting a past injustice.

I want to remind the House of a 2001 decision by the Ontario Superior Court. This decision noted, among other things, that Canada should consider providing redress and apologizing to the descendants of the Chinese Canadian community, as a result of these disgraceful acts committed during the last century.

Canada has already shown such wisdom in the past, under Brian Mulroney. It issued an apology to Japanese citizens who were interned or deported or had their land expropriated during the second world war.

However, the Chinese community, which built Canada and its railroad, is still waiting for such redress. We must not be afraid of words: discrimination by Canada against these immigrants is unacceptable, particularly for a country founded on immigration and proud of its fundamental values of humanitarianism and tolerance.

These immigrants were forced to come here. They were used to accomplish an extraordinary feat. This incredible undertaking shaped the future of our country, but once completed, these people were no longer wanted. They were subjected to unthinkable acts. We must also remember that we denied these immigrants the right to bring their spouses to Canada, under legislation adopted in 1923, which remained in force for 25 years.

I want to acknowledge the determination of the Chinese community in holding its head high, despite this despicable and shameful situation.

I would like to point out to the House that something equally reprehensible, though without the scope of the actions taken in the last century, was said recently at a meeting of the Standing Committee on Citizenship and Immigration. It was the suggestion that Chinese immigration be limited for reasons relating to financial capacity. From this, we can only conclude that we will never be free of discriminatory comments. I would just like to see this House recognize the errors of the past and recognize clauses that discriminate against any nation of this world when it is enacting legislation on citizenship and immigration.

Sooner or later, the darkest moments in Canadian immigration policy must be recognized. It is time to acknowledge the actions taken by the politicians of the day against the entire Chinese community. The first of these date back more than 120 years, and were only attenuated some 60 years ago, so there were 60 dark years in Canadian history the harmful effects of which need to be acknowledged.

• (1140)

As long as this is not settled, Canada will bear the stigma of these questionable actions of the past. This House has had several opportunities to acknowledge the injustices committed against the

Chinese community. Similar bills have been introduced on several occasions since 2002, but have always died on the order paper.

Now, however, it is time for the government to act responsibly and to make a formal apology for its past behaviour. The Chinese community is now an integral part of the Quebec and Canadian mosaic, and it is most reprehensible that this matter has not yet been settled by Canada.

It is my heartfelt wish that the government will be in favour of this bill. I also hope that it will recognize, along with the official opposition and the Bloc Québécois, that such behaviour is unacceptable in the society we have built together.

It is never too late to do the right thing, and I would therefore call upon the government to respect its own principles and defend minorities that have been neglected in the past. Granted, this reprehensible behaviour was not the responsibility of the present government, but it is responsible, on several occasions in more recent history, for having stifled bills similar to this. It has a responsibility not to miss the opportunity given it this time.

Two decades ago, the Canadian government offered compensation to the Japanese for the wrongs and abuses they suffered during the second world war. A bill is currently before Parliament on the subject of the Ukrainians. It is time to do the same for the Chinese immigrants at the turn of the century.

While in many matters the present government will be recognized for its failure to act, at least here, when it comes to making reparations for past errors, it has an opportunity to leave its mark. That is still better than nothing, and I suggest the government should not let it slip by.

The House should deal swiftly with this bill so that it will get to committee as quickly as possible and we can determine the exact form the reparation should take. The House has the moral obligation to recognize that such actions are part of its past and that it is time to turn this dark page in our history—a dark cloud that for too long has cast its shadow over the fundamental Quebec and Canadian values of tolerance, openness and welcome, which built our shared cultures and keep them moving forward.

The Bloc Québécois will continue the fight for democracy by supporting the differences in our communities. Whether the issue is to defend the right of the Chinese community to be given apologies for being made the victim of racist policies, to continue to demand more international aid, to denounce the antiterrorism legislation that discriminates more against certain people than others, to propose bills that offer progressive solutions to problems of employment in our communities, or to fight for a more inclusive society: I ask my colleagues to vote in favour of Bill C-333.

• (1145)

[English]

Mr. Inky Mark (Dauphin—Swan River—Marquette, CPC): Mr. Speaker, it is truly a great honour to rise today to debate Bill C-333.

Private Members' Business

I am a proud Canadian of Chinese descent. I am a third generation immigrant to Canada. First I want to thank the member for Durham for introducing Bill C-333. The bill has been tabled in the House at least three times. I also thank all the members of the House for their support of this bill.

For over 20 years, that is, over two decades, the Chinese community has been seeking redress. Bill C-333 has been in the works for seven years. It reflects the will of the National Congress of Chinese Canadians and other national organizations. I want to acknowledge the executive members who have led the charge over the last two decades: the president of NCCC, Ping Tan from Toronto; the chairman of the GTA Chinese Community Association, Hugh Eng; secretary David Lim; Jack Lee from Montreal; Dr. Joseph Du from Winnipeg; Gordon Joe from Toronto; Frank Chui from Toronto; Fred Mah of Vancouver; Dr. David Lai from Victoria; and Albert Tang of Ottawa. I also want to thank Hansen Lau for all his work in Vancouver over the head tax issue.

The purpose of Bill C-333 is to acknowledge the past history which includes the head tax and the exclusion act. No apology is being asked for. We do not believe that an apology is necessary, but we certainly need to recognize the past. Also we need to establish an educational foundation for the purpose of telling the history of the Chinese immigrants to this country.

The Chinese landed on Vancouver Island long before Captain Cook did. In fact, as the member for Durham indicated in her speech, in 1788 British explorer John Meares landed at Nootka Sound on Vancouver Island with 70 Chinese carpenters he had brought from the Portuguese colony of Macau. They built him a boat and then it is thought that those 70 Chinese married into native communities on the island and their cultural traces were soon lost. They were the first Chinese to set foot in Canada and the last for the 70 years following.

Much has been said this morning about the head tax. Both my grandfather and my father paid the head tax. In fact, I still have my father's head tax certificate at home. It is time for me to tell my story.

My grandfather came to this country to work on the CP Rail in the late 1800s. Members may know that 17,000 Chinese were imported to build the railway which, as Canadians agree, united this country. Over 700 lost their lives principally around the Fraser Canyon area. They were paid half the wages the white workers received. This was the norm until well into the 1930s. The Chinese were tolerated in Canada only because they were a cheap source of labour.

After 1885 the head tax was imposed for the purpose of discouraging immigration. That was the very purpose. They were finished using them to build the railroad and did not need them any more so they found a way to keep them out.

About three years ago I went to Europe with the hon. Sheila Copps, the then minister of heritage. We visited a number of Canadian cemeteries. Sheila was looking for her lost uncle who had fought in World War I. Lo and behold we did find her uncle's headstone, but Sheila also noticed that not far from her uncle's headstone was a headstone with Chinese characters written on it. We both wondered how that Chinese person had ended up in Europe in the battlefields of World War I.

Canadians do not know that Chinese labourers were at the centre of a little known chapter during the first world war. For a year beginning in April 1917, close to 80,000 men were shipped from China to British Columbia, transported across the country by rail, and dispatched from east coast ports to the trenches in France. One of the governments ruling China at the time had joined the war on the side of the western allies and offered some of the labourers it had in spades to the war effort.

● (1150)

After the armistice the Chinese labour battalions were repatriated along the same route in both directions. They were transported in sealed railway cars lest they try to jump the train and avoid the \$500 head tax levied at the time against Chinese immigrants. Very few Canadians know that part of Canadian history.

This country was very discriminatory against the Chinese after 1885. Discriminatory laws were passed in many of the provinces, particularly British Columbia. This demonstrates that at that time Canada had an apartheid system, one for regular Canadians and one for Canadians of Asian descent, whom Canada was trying to get rid of.

It is hard to believe that as recently as 1950 the Chinese were prohibited from shopping in the Eaton store in Winnipeg. That is an astounding piece of Canadian history.

The Chinese had been disenfranchised. They had no vote. They basically had no status in this country, even though 500 Chinese had enlisted in the second world war and fought for this country. Upon returning to Canada they had no vote and no jobs. They were discriminated against. I am sure they wondered which country they had really fought for.

My father was 12 years old when he arrived in Canada in 1922. He arrived here by luck because in 1923 the exclusion act was put in place. He came to join his father in a place called Russell, Manitoba, where my grandfather had started a laundry, and ended up working in a restaurant.

The exclusion act created great hardships for Chinese families in this country. There were virtually no female Chinese in Canada at the time. The only way Chinese men could get married, raise a family and have kids was to go back to China. That is what they did. Every few years they would make a long journey by ship back to China. In essence, that is what happened to my family. I could say I have two families, one pre-World War II and the other post-World War II. I am a post-World War II baby.

My mother, my younger sister and I did not join my father until after the repeal of the exclusion act in 1947. In 1955 the immigration doors opened up. I was six at the time. I have been very fortunate ever since. My sister and I grew up in a little village called Gilbert Plains, where the whole community was concerned and involved in raising us two little Chinese kids. That is how I ended up in this place.

Private Members' Business

I want to thank the member for Durham and all members of the House for their support in this matter. We need to deal with this Chinese redress. It is long overdue. Bill C-333 simply asks for an acknowledgement of the past. Surely Canada is not afraid of its past history. We as a country must learn from our past.

There are possibly one million Chinese Canadians in Canada today. As we have read and heard, Chinese is the third language spoken here. There can be absolutely no excuse to delay the resolution of the Chinese redress. The government has to sit down with the Chinese community and work things out. We are not asking for a huge amount of money, just enough to set up a foundation to tell the story about the Chinese immigrants who came to this country. It is time for the government to sit down with the community and work this out.

A year ago the Government of New Zealand recognized this injustice and formed a charitable trust and took other initiatives. That country apologized to the Chinese community. That country knew it was long overdue and that it had to deal with the redress issue.

I thank all members for their support. I am sure that the Liberal government will act on this bill.

• (1155)

Mr. Don Bell (North Vancouver, Lib.): Mr. Speaker, Canada's experience with diversity distinguishes us from most other countries. Our 30 million inhabitants reflect a cultural, ethnic and linguistic makeup found nowhere else on earth. Over 200,000 immigrants a year from all parts of the globe continue to choose Canada, drawn by its quality of life and its reputation as an open, peaceful and caring society that welcomes newcomers and values diversity.

From Confederation through the boom years of immigration prior to World War I, and to the inter-war years and the current post-war era, our immigration policy and legislation have helped shape the Canada that we have today. Over time Canadian governments have reflected society's increasing willingness to accept differences within the population, specifically, the legitimacy of rights of minorities to maintain their culture and traditions.

Throughout our history there have, however, been instances of laws that would be considered regressive today. Among other things, many Canadians of Japanese descent were lawfully stripped of their citizenship rights during World War II. There were also measures which limited the number of Chinese immigrants through imposition of a tax to be paid by each immigrant on being admitted to Canada.

In cases like these, certain minorities were not provided the opportunity to participate fully in society. The Government of Canada understands the strong feelings underlying the requests put forth by all communities related to historical incidents.

The hon. Sheila Finestone stated in the House of Commons in 1994:

In the past Canada enforced some immigration practices that were at odds with our shared commitment to human justice. Canadians wish those episodes had never happened. We wish those practices had never occurred. We wish we could rewrite history. We wish we could relive the past. We cannot. We can and we must learn from the past. We must ensure that future generations do not repeat the errors of the past. We believe our obligation lies in acting to prevent these wrongs from recurring...We honour the contribution of all those communities whose members, often in the face of hardship, persevered in building our country.

Canada in 2005 is a very different Canada. Tremendous steps have been taken toward making our country a better place. Specifically, the Chinese Immigration Act of 1923 was repealed in 1947 and beginning in 1950, with the report of the Massey-Lévesque commission, ethnocultural diversity gradually came to be understood as an essential ingredient of a distinct Canadian identity.

In 1960 the Canadian Bill of Rights recognized and declared that certain human rights and fundamental freedoms existed without discrimination on the grounds of race, national origin, colour, religion or sex. In 1962 new immigration regulations were tabled to eliminate all discrimination based on race, religion and national origin.

In 1967 the government amended Canada's immigration policy and introduced the point system for immigration selection. In 1970 Canada ratified the international convention on the elimination of all forms of racial discrimination. As a party to the convention, Canada has undertaken to prohibit and to eliminate racial discrimination in all its forms.

In 1977 the Canadian Human Rights Act proclaimed that all individuals should have equal opportunity with others without being discriminated on the grounds of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital or family status, disability or conviction for an offence for which a pardon has been granted.

In 1982 section 15 of the newly adopted Canadian Charter of Rights and Freedoms also recognized that every individual is equal before and under the law, and has the right to equal protection and equal benefit of the law without discrimination and in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. Section 15 came into effect in 1985.

• (1200)

The multicultural character of Canada gained constitutional recognition in section 27 of the charter. It specifies that courts are to interpret the charter "in a manner consistent with the preservation and enhancement of the multicultural heritage of Canada".

In 1988 the Canadian Multiculturalism Act affirmed multiculturalism as a fundamental characteristic of Canadian society. On September 22, 1988, after 10 years of negotiation, the Government of Canada announced the Japanese Canadian Redress Agreement, which was aimed at compensating members of this community for the actions taken against them during World War II under the War Measures Act. This agreement included official acknowledgement of past injustices, sums of money paid to individuals and their community, and the undertaking to establish a race relations foundation. The total cost of implementing this agreement reached \$422 million.

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It should be noted, however, that the Japanese Canadian case was unique and unparalleled when compared to other communities affected by measures under the War Measures Act or other laws based on the following factors: first, the large scale of the deportation program, relocation and internment; second, the extension to an entire class of persons based inherently on their race or national origin; third, the high proportion of Canadian citizens in that class; fourth, the maintenance of the measures long after the hostilities had terminated; and finally, the acknowledgement by successive governments that the treatment of Japanese Canadians at that time was unjustifiably harsh, albeit strictly legal.

Following the signing of the Japanese Canadian Redress Agreement, six communities, Italian Canadians, Ukrainian Canadians, Chinese Canadians, Jewish Canadians, Indo-Canadians, being the Sikhs, and German Canadians put forward similar redress proposals seeking compensation for actions taken against their members either in times of war or as a result of immigration restrictions.

In 1994 the government adopted a policy on historical redress that: first, reaffirmed the uniqueness of the Japanese Canadian Redress Agreement; second, confirmed that no financial compensation would be awarded to individuals or communities for historical events; third, committed to a forward looking agenda to ensure that such practices did not recur; and fourth, noted federal resources would be used to create a more equitable society. The establishment of the Canadian Race Relations Foundation demonstrated commitment to this agenda.

The Government of Canada is committed to learning from the past, and acknowledging the unique and significant contributions of ethnoracial and ethnocultural groups to shaping Canada's history. The government is making strategic investments in addressing racism, given the continuous evolution of diversity in Canada.

We have worked and will continue working with the Chinese Canadians and other ethnocultural communities to document their history and experiences through a range of commemorative projects, including films, books and exhibits, that enable them to tell their stories to other Canadians. For example, the Minister of Canadian Heritage, on the advice of the Historic Sites and Monuments Board of Canada, has designated two national historic sites and one national historic event to commemorate achievements directly related to the Chinese Canadian community.

These designations have been commemorated with bronze plaques. One of the sites is at Yale, British Columbia, and commemorates the role of the Chinese construction workers on the Canadian Pacific Railway.

The Canadian Museum of Civilization has for more than 30 years supported a full curatorial program on east Asian Canadians, including research, collecting, and program development. One of the opening exhibits at the Canadian Museum of Civilization in 1989 was "Beyond the Golden Mountain: the Chinese in Canada". At the time, this was the most comprehensive museum exhibit on the Chinese Canadian experience ever mounted.

I have spoken with many of my Canadian friends of Chinese ancestry about this bill and they explained to me that they would

prefer to see us take a forward looking approach to this. On that basis, I encourage the hon. members of the House to vote against Bill C-333 because it asks the Parliament of Canada to focus on actions taken by a previous government as opposed to looking toward the future.

● (1205)

While we can learn from past actions, we cannot rewrite history no matter how much any of us may want to. We should be expending our energy on ensuring similar situations do not happen again and by celebrating the contributions all Canadians have made to the building of our country.

[*Translation*]

The Deputy Speaker: The hour provided for the consideration of private members' business has now expired and the order is dropped to the bottom of the order of precedence on the Order Paper.

GOVERNMENT ORDERS

[*English*]

CIVIL MARRIAGE ACT

The House resumed from February 18 consideration of the motion that Bill C-38, an act respecting certain aspects of legal capacity for marriage for civil purposes, be read the second time and referred to a committee, and of the amendment.

The Deputy Speaker: The member for Scarborough Southwest has eight minutes left for questions and comments.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, I am aware that the member who will be responding to my question has a pretty good knowledge of constitutional law. It is in his background. I believe the member to be an honest man. I have these quick questions that I will put forward. Hopefully, we will have some enlightenment from him.

According to Tim Williams, a spokesperson for Saskatchewan justice minister Frank Quennell, in a meeting with provincial justice ministers, the federal justice minister said he was not going to try any longer to protect the religious and conscience freedoms of marriage commissioners because it was not in his jurisdiction. He said that he could not do anything about protecting those freedoms for marriage commissioners.

Now that the federal justice minister appears to have washed his hands, according to the Saskatchewan justice minister's office and Mr. Tim Williams to be exact, I would like to know from the Liberal member opposite, in respect to civic officials, how hollow is the justice minister's rhetoric about religious and conscience protection in the legally empty preface to his same sex marriage bill?

Second, I would appreciate the member responding to my question as it seems that both the Prime Minister and the justice minister are intending to violate the conscience of their friends and colleagues in the cabinet. How much more should we be concerned about the Prime Minister and justice minister violating the freedom of conscience and freedom of religious protection of Canadians?

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Mr. Tom Wappel (Scarborough Southwest, Lib.): Mr. Speaker, in my remarks on Friday I went through the bill at great length to talk about section 3. I said:

It is recognized that officials of religious groups are free to refuse to perform marriages that are not in accordance with their religious beliefs.

That section would not apply to marriage commissioners because I do not believe they necessarily are members or officials of religious groups. However, whether I am right or wrong in that interpretation, my point on Friday was that section 3 has been improperly put into the bill.

The Supreme Court of Canada clearly stated that the section is utterly ultra vires, which is that it is beyond the power of the federal Parliament to indicate what it would do, how it would act or how provinces should act in matters within their own exclusive jurisdiction and that the solemnization of marriage is within the sole jurisdiction of the provinces.

The Supreme Court even went further in the reference case. It specifically said that no matter how well intentioned, no matter how supposedly noble a declaratory statement is, it is of no force and effect whatsoever if it pertains to the powers granted to a province under the British North America Act, now known as the Constitution.

That section should not even be there because it is beyond the legislative capacity and competence of the Parliament of Canada.

As far as the preamble is concerned, I pointed out that the preamble has even less relevance or less weight than an actual section of an act. I want to remind hon. members that the courts have already shown us that they are quite prepared to overturn the common law of the country, which had traditional marriage as the definition, and it has been overturned. They are quite prepared to declare legal, acts that have been declared illegal in writing in the Criminal Code of Canada with the stroke of a judicial pen. They are also quite prepared to ignore sections of acts passed by the House, in this case section 1.1 of the Pension Benefits Act which specifically states that the Parliament of Canada passed an act saying that marriage is the union of one man and one woman to the exclusion of all others.

If the courts are prepared to ignore acts of Parliament, if they are prepared to ignore the common law of long standing and are prepared to ignore and change the Criminal Code by judicial fiat, what confidence can we have that the preamble, which is not legally binding, would be followed in any particular event?

To answer the member's second question, I want to go back in history to Prime Minister Brian Mulroney, the Conservative prime minister. When he brought in his abortion legislation he required his cabinet ministers to vote in favour of that legislation. I say required because no one can be forced to violate their own conscience. There is no such thing as a button that will electrocute somebody if they vote the wrong way. Only an individual member can violate his or her own conscience.

However there are consequences for every vote that individuals take or give in the House of Commons. It may very well be that if one votes against a particular piece of government legislation the consequences would be that one would no longer be in cabinet.

However that is hardly forcing someone to violate his or her own conscience.

Brian Mulroney was roundly criticized by many people in the House, no more loudly than by us, the Liberals, for forcing his cabinet ministers to vote in favour of legislation that dealt with a moral matter. I personally disagree with the Prime Minister's decision to call upon his cabinet to do so in this case. I have told him that and he is of a different view. It is his call. He is the Prime Minister and it will be up to him to justify his actions.

• (1210)

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): Mr. Speaker, I congratulate the member on what I thought was an excellent speech on this issue. However, as he is well aware, those who speak on the other side from his point of view basically say that they do so because the legislation ensures that the people involved have rights, that their rights are protected and that we should not be taking away their rights.

The member addressed that very clearly in his speech but I wonder if he would elaborate a little bit because the crux of the matter seems to be that we are depriving people of rights if we do not support the legislation.

Mr. Tom Wappel: Mr. Speaker, I probably spent at least 10 minutes delving into that point so I cannot do the question justice, but I do thank the hon. member.

In brief, I would say there is no absolute right to get married in Canadian law. We have to abide by the rules that society has set out in order to marry, including age restrictions, mental capacity restrictions, bloodline restrictions and, up until now, couples had to be of the opposite sex.

Indeed, we can only marry one person, notwithstanding that at least one, huge, major world religion, with hundreds of millions of adherents across the globe, believe that it is quite proper to have more than one spouse. This is not a matter of rights. This is a matter of abiding by whatever society decides are the rules for engaging in a marriage.

Ms. Rona Ambrose (Edmonton—Spruce Grove, CPC): Mr. Speaker, this is a very important public policy issue and I am privileged to have the chance to enter the debate today. I am honoured to be the second speaker for the Conservative Party. I thank my fellow caucus members for their support. I also congratulate the Leader of the Opposition on his forthright speech on Wednesday.

I am proud to be a member of a political party that respects rights and tradition and has taken an honest, moderate, compromise position in such an important public policy debate.

I have had the opportunity to listen not only to the initial debate on Bill C-38 but, most important, to listen to my constituents in West Edmonton, Spruce Grove, Stony Plain and Parkland county.

While opinions have varied, I continue to be impressed by the honesty, candour and care with which Canadians are approaching this debate. Canadians have been thoughtful on this issue and most have come to believe that a compromise position would be the best position that the Government of Canada could take. It is, in essence, the Canadian way.

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The issue of same sex marriage is not about denying rights. It is not about jeopardizing the Charter of Rights and Freedoms, as the Prime Minister would like us to believe. It is a complex public policy issue and one which has an impact on every Canadian.

I would like to begin my comments on a personal note and say that when I think of the people in my life who I love, some of whom happen to be gay and lesbian, I know clearly, both in my heart and in my mind, that I would never support a public policy position that violated their rights and in any way violated the Charter of Rights and Freedoms.

The Supreme Court of Canada has asked us to consider a range of ideas. As legislators, it is our responsibility to consider and represent the views of Canadians in this House.

The debate has been framed in a variety of ways and each adds to the complexity of our deliberations. Today I hope to address this debate in a manner that discusses the various ways Canadians have approached Bill C-38.

The debate has been framed, in terms of rights, within the framework of the Charter of Rights and Freedoms; in terms of marriage and what it means legally, as well as within the context of historical tradition and as a social institution; and in terms of religion and the interplay between church and state, not just how religion affects politics but also in terms of how politics affects the activity of churches, mosques, synagogues and temples.

The debate has also been framed as one of competing interests, the, at times, different views of younger Canadians versus older Canadians, the supposedly different views of rural versus urban Canadians, and the alleged different views of people who come from different provinces. However the reality is that this debate is important to all of us, all generations, both sexes, across the country.

In my mind the debate is primarily about rights and recognition, and about how to best recognize the rights of homosexual couples within our society while at the same time upholding and respecting institutions that have great social importance to Canada, such as the traditional definition of marriage. In short, it is about responding and respecting the competing interests in this debate in a reasonable, compassionate and moderate way.

In my comments today I would like to touch upon a few subjects. First, I would like to review, not just the Supreme Court reference, but all the court cases that have brought us to where we are on the same sex marriage issue.

Second, I will focus on the main point of my address, which is that in any debate it is Parliament's job to find a compromise and consensus that defends rights and, specifically in this debate, offers recognition to homosexual couples and takes into account the views of Canadians.

Third, I would like to discuss the legislation that other countries around the world have brought forward after engaging in this very exercise that we are about to undertake. In addition, I will refer to the legislation Alberta brought forward two years ago to extend rights and privileges to same sex couples.

Finally, I would like to specifically focus on the very ways in which Canadians have discussed same sex marriage as a rights issue.

Marriage cases ruling in favour of same sex marriage began in 2002. In 2002, the Ontario Superior Court of Justice ruled that defining marriage as the union of one man and one woman represented a charter infringement. La Cour supérieure du Québec also ruled that the characterization of marriage as a heterosexual institution represented a violation of charter equality rights.

In 2003, the British Columbia Court of Appeal reversed a lower court judgment that upheld the common law bar to same sex marriage.

On September 16, 2003, an opposition motion expressing Parliament's support for the traditional definition of marriage was defeated in the House of Commons by a vote of 137 to 132. It was only four years earlier, in June 1999, however, that the exact same motion passed, with large support from many Liberals for the traditional definition of marriage.

● (1215)

After several provincial courts had ruled that the traditional definition of marriage was unconstitutional, the Liberal government prepared draft legislation that would permit same sex marriages, but instead of allowing the House of Commons to vote on the legislation, the Liberals referred it to the Supreme Court and asked the following questions.

Question 1: Is the annexed Proposal for an Act respecting certain aspects of legal capacity for marriage for civil purposes within the exclusive legislative authority of the Parliament of Canada? If not, in what particular or particulars, and to what extent?

Question 2: If the answer to question 1 is yes, is section 1 of the proposal, which extends capacity to marry to persons of the same sex, consistent with the Canadian Charter of Rights and Freedoms?

Question 3: Does the freedom of religion guaranteed by paragraph 2(a) of the Charter of Rights and Freedoms protect religious officials from being compelled to perform a marriage between two persons of the same sex that is contrary to their religious beliefs?

In January 2004 the government referred an additional question to the Supreme Court. Question 4 asked the following: Is the opposite-sex requirement for marriage for civil purposes, as established by the common law and set out for Quebec in section 5 of the Federal Law-Civil Law Harmonization Act, No. 1, consistent with the Canadian Charter of Rights and Freedoms?

The fourth question was an important question. The Prime Minister had hoped that the Supreme Court would return with the imperative that Parliament must pass a law sanctioning marriage for homosexual couples. However, the Supreme Court did not do that and mandated Parliament to examine, debate and potentially legislate on this issue.

In its decision released on December 9, 2004, the Supreme Court said that the federal government has the jurisdiction to redefine marriage to include same sex couples.

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It also said that churches are protected under the Charter of Rights in maintaining the traditional definition of marriage, but that legislation that would specifically protect religious organizations is beyond the constitutional power of the federal government.

What this means is that the federal government determines the definition of marriage but the provinces determine how a couple can marry.

The court did not answer the question of whether the traditional definition of marriage in the common law violates the Charter of Rights. Instead of declaring the traditional definition of marriage unconstitutional, the court has made it clear that it is Parliament that must define the word marriage.

This is where we are today. We have received direction from the Supreme Court of Canada that if Parliament wants to change the definition of marriage it would be within our purview to do so. We are free to define it as a union between a man and a woman or as between any two persons. Either definition has been deemed constitutional by the Supreme Court.

However, the courts did not force the vote or the debate that is before us, because it did not compel Parliament to change the definition of marriage. It simply stated that if Parliament wanted to, it could. This is a political decision that the Liberal government has taken on its very own.

While the Liberals have attempted to shroud their politics by misquoting and misusing the language of rights, I, along with the Leader of the Opposition, will seek the moderate compromise that Canadians are asking for.

We may ask why a compromise is so important. Many members have suggested that deciding upon whether or not to change the definition of marriage is difficult; it involves issue of personal conscience, religion and the views of our constituents as well as perceptions of the traditions and institutions of our society.

Because of the difficulty of this issue, I am proud to be a member of a party that has allowed a free vote on this issue. It is an issue of personal conscience and one of accountability to my constituents, and it is important that members are granted the ability to vote in as free a manner as possible without the threat of recrimination by party leaders.

It is wise, and it is also decent, that this party has allowed a free vote. Nobody in this party finds themselves in an uncomfortable position due to this legislation. Members are accountable not to their party but to their own consciences and to their constituents. It is a position that I wish all members of the House could share.

Importantly, the majority of people who oppose this legislation favour the insurance and the protection of equal rights for homosexual couples and they favour formal state recognition of committed homosexual relationships.

So at some point we have to ask ourselves why the government is not following the lead of most Canadians and searching for a middle ground that will protect the rights of all Canadians equally, recognize homosexual unions and respect tradition at the same point. The government, after all, likes to talk about Canada's ability to broker resolutions. It likes to talk about Canadians as being the sort of

people who search for compromise and search for the middle position.

Canadians have done that. The Leader of the Opposition has done that. The government, on the other hand, has labelled these Canadians intolerant and bigoted. This language is unhelpful, and the government is fighting the national consensus on this issue.

● (1220)

The government has refused to look beyond its own vision on this issue. It has refused to seek the middle ground, and in doing so, it has refused to take seriously the considerations and views of Canadians.

The Leader of the Opposition is the only leader in the House who has discussed the matter with Canadians and has searched for a compromise in order to give all Canadians a voice.

In December, the Leader of the Opposition announced three proposals for effectively considering the marriage question. These are as follows. The first proposal would retain the traditional definition of marriage. The second proposal would ensure that same sex couples are afforded equal spousal benefits. The third proposal would include substantive provisions in the legislation to protect not only religious organizations but also to protect public officials who have objections due to reasons of religion or conscience.

With regard to the first proposal, I am proud to be voting the wishes of my constituents, one of which is to support and maintain the traditional definition of marriage. I am also proud to be able to vote in favour of providing equal rights to gay and lesbian couples, something my constituents have also been clear in their support for.

My constituents reflect the majority of Canadians who believe in a balanced approach: legislation which accords equal benefits and status to same sex couples in a recognized union, with an understanding that to do this we do not need to change the definition of marriage.

There is no need or imperative to reject the middle ground put forward by the Leader of the Opposition. I support the Charter of Rights and Freedoms. The Supreme Court has not said that we must change the definition of marriage. The Supreme Court has not said that the traditional definition of marriage is in violation of the charter. The Supreme Court has not said that recognition of same sex marriage as a union is in violation of the charter. The Supreme Court has said none of this despite the arguments put forward by the government.

With regard to the third proposal, by protecting the rights of religious institutions Parliament can support the rights of churches, mosques, synagogues and temples to recognize, perform and solemnize marriages on their own terms.

Parliament can ensure that churches have the right to privately and publicly preach their beliefs related to marriage. Parliament can ensure that justices of the peace and civil marriage commissioners are not forced to solemnize marriages against their own consciences. Parliament can also preserve the charitable and economic benefits that churches enjoy as public institutions and recognize the right of public officials to act in accordance with their own beliefs.

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I know that these proposals will not make everybody happy. Some will want a strong endorsement of gay and lesbian marriage. Others will want a vote that recognizes traditional marriages only and with no recognition of gay and lesbian relationships whatsoever. Each of these positions is born of strong convictions, making compromise the only tenable position that we can take.

The need for a compromise stems from the need to reconcile the interests of societal beliefs, law and tradition in a manner that all the majority of Canadians would recognize as just. This should be Parliament's goal.

The position taken by the Leader of the Opposition is the compromise position. It is the moderate position and it accords with the general thoughts and beliefs of the majority of Canadians. While there are Canadians on both sides of this issue, we live in a society that prides itself on the ability to compromise and find solutions which take the concerns and positions of everyone into account. That is what we are attempting to do by putting forward a compromise position.

Some across the way would charge that if we do not change the definition of marriage we will in fact be denying rights to homosexual Canadians. Several European countries have shown that this is not the case.

A quick survey of countries in Europe shows that while the Netherlands and Belgium have adopted same sex marriage legislation, registered domestic partnerships are available in Sweden, Spain, Norway, Denmark, Finland, Germany, Iceland and parts of Italy. Civil pacts are available in France. Finally, the Czech Republic, Portugal and Switzerland are considering introducing legislation to provide protections, rights and benefits to gay and lesbian individuals in committed relationships.

Thus, other nations, and more important, other western democratic and constitutional nations, have found ways to deal with this issue. Their solutions are middle ground solutions and they are accepted by a consensus of the population in those countries.

The questions of rights in the states I have mentioned above have been settled by the legislation and arrangements which govern same sex relationships. The laws that are in place in these European countries are similar to the amendments put forward by the Leader of the Opposition.

The Leader of the Opposition has also called attention to recent legal developments in New Zealand. In New Zealand, which does not allow discrimination based on sexual orientation, courts still ruled that the opposite sex requirement for marriage was not a basic human right.

• (1225)

Closer to home, the Government of Alberta has also found a new arrangement that both retains the traditional definition of marriage and provides benefits, rights and privileges to homosexual couples. Alberta's Adult Interdependent Relationships Act balances the desire to promote the concept of marriage as an institution and the need for fairness for those who choose non-marital but interdependent relationships.

In this arrangement, Alberta defends all human rights and provides non-married couples the benefits that couples in a traditional marriage enjoy, so it is clear that there are arrangements that can be designed to both protect rights and retain the definition of marriage as that between one man and one woman.

Today marriage is seen as an institution that involves a union between one man and one woman. Societal institutions are by their very nature the products of convention and they owe their existence to society's recognition of the importance they hold. Those who see same sex marriage as a right are attempting to change this institution.

However, given the competing interests within society, the differing outlooks that citizens bring to the political arena, and the often difficult decisions regarding competing visions of what our laws ought to be like, it is our obligation as legislators to find a middle ground.

The key distinction here is recognition. Since 1977 gay and lesbian Canadians have benefited from increasing legal and legislative measures which have ensured that they are afforded equal status in the eyes of the law. During the 1990s, gay and lesbian couples in committed relationships or in "marriage-like" relationships, to use the B.C. court's term, have seen an increase in the rights and benefits that they are afforded.

In short, by the beginning of the 21st century, gay and lesbian Canadians in committed relationships could not legally be denied practical spousal rights and benefits. In this sense, the rights debate has been solved.

The debate over allowing gays and lesbians to access the institution of marriage, on the other hand, has not been resolved.

As I said earlier, the Supreme Court stated that the definition of marriage is a parliamentary responsibility, meaning both that it is federal in jurisdiction and that it is up to Parliament to decide whether or not the institution of marriage should be changed to allow access to gay and lesbian couples.

While the court did not rebuke lower courts that declared the traditional definition of marriage to be unconstitutional, it also did not endorse the position that the current definition of marriage is unconstitutional.

By suggesting that Parliament should decide, the Supreme Court made an implicit statement about the difference between rights and recognition, namely, that courts exist to protect and uphold the rights of groups and individuals and Parliament exists to express the national will regarding how those rights will be enshrined in legislation and recognized.

Same sex marriage, in a nutshell, is a recognition issue. As stated earlier, the rights component of this debate has largely been resolved and few Canadians are of the mind to reverse those decisions. Their opinion reflects their belief in equality for all Canadians under the law. They merely want the word "marriage" to remain as the union between a man and a woman.

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The rights issue has been settled and the equality provisions continue to be settled. Simply put, the law sees heterosexual relationships and same sex relationships as equally significant and equally able to access spousal rights and privileges. The Conservative Party supports this view.

The question, therefore, is not about rights or equality. It is about marriage and whether Canadians would like to change the definition of marriage. It is about how Canadians would like to recognize legally equal, committed same sex relationships.

It is up to Parliament to decide the manner in which these rights are recognized. We believe these rights should be recognized fully, and all of the rights of marriage ought to be formally recognized in civil unions.

However, I believe that we do need to find a compromise by recognizing committed relationships between gays and lesbians as civil unions and retaining the traditional definition of marriage.

The majority of the letters that I have received from my constituents ask me to vote to retain the traditional definition of marriage. The majority of those same letters also ask that I work to protect the human and spousal rights of gay and lesbian individuals and couples. I agree with this position.

During this debate the Liberals have attempted to hide their politics by invoking the language of rights and accusing our party of not believing in rights. This could not be further from the truth. The Conservative Party has approached this issue as one where a reasonable compromise can be found. We have spoken honestly with Canadians and it is my hope that the House follows our lead.

I am proud to work with my constituents on such an important issue. I am proud that I can vote freely on their behalf.

• (1230)

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, the authors of our Constitution, and indeed of our charter, fully contemplated the infringement of the right of gays and lesbians to be married, but it would appear that even if Bill C-38 is passed the infringement of their rights will continue because of the competing interests of the equality provisions and the rights of religious freedoms.

In her speech, the member raised an alternative. This question of religious rights and whether we can fully protect rights is also another issue to be discussed. Would the member agree that what is necessary now is for Parliament to have the time to more fully assess the broader implications of the various points that are being brought out? Also, what would be the position of the member or her party if in fact religious rights and freedoms were struck down by the court in favour of the equality rights of gays and lesbians?

• (1235)

Ms. Rona Ambrose: Madam Speaker, it is the opinion of the Conservative Party and myself that the government has not substantively protected religious freedom in its draft legislation, particularly in reference to reference case. The court ruled that the clause of the draft bill that was designed to do this was unconstitutional. It dealt only with the solemnization of marriage, which is under provincial jurisdiction and not federal.

In essence, all the government has done really is restate this clause already deemed unconstitutional by the court in the bill that it has tabled for debate. It has provided no specific statutory protection of religious freedom in the areas of its own jurisdiction, being federal.

Therefore, promises from the Liberals to defend religious freedom cannot be trusted. In 1999 the prime minister also promised to use all necessary means to defend the traditional definition marriage and that the government had no intention of changing the definition marriage or of legislating same sex marriage. Those were the words of the prime minister at the time. In that case one cannot trust a government that has so blatantly violated past promises.

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Mr. Speaker, I have two questions for my hon. colleague from Edmonton—Spruce Grove.

First, she seems to be glossing over the decisions handed down by the various appeal courts that ruled on this issue, focussing only on Supreme Court decisions, or rather the reference to the Supreme Court. The fact of the matter is that decisions having the force of law have been made by the Quebec, Ontario and B.C. appeal courts, among others.

To be very clear, I will read an excerpt from the decision of the Court of Appeal of Ontario, in the language in which it was originally written:

[*English*]

—it is our view that the dignity of persons in same-sex relationships is violated by the exclusion of same-sex couples from the institution of marriage. Accordingly, we conclude that the common-law definition of marriage as “the voluntary union for life of one man and one woman to the exclusion of all others” violates s. 15(1) of the Charter.

[*Translation*]

The court decision goes on to state that this violation of section 15 is unjustifiable under section 1 of the Constitution.

My first question is the following. What of the law in those provinces where the courts have already ruled very clearly, absolutely unequivocally, that the so-called traditional definition of marriage is contrary to charter equality rights?

Second, reference is commonly made to the so-called traditional definition of marriage. Obviously, marriage has evolved. Once again, the hon. member seems to be glossing over that. Marriage has evolved especially during the 20th century: we have gone from a time when, in many jurisdictions, upon marrying, women lost their status as adult persons and fell under the responsibility of the man they married to a time when women have become fully equal partners with men. So, within the institution of marriage, women have gone from second fiddle to equal partner.

In the light of this, how can the hon. member say that the institution of marriage has not evolved and could not evolve in a direction that would allow it to include same sex partners?

[*English*]

Ms. Rona Ambrose: Madam Speaker, in regard to the member's first question, it is important to remember that we have been tasked with the issue of defining the definition of marriage.

Government Orders

The Supreme Court of Canada has not ruled on the traditional definition of marriage and the court has handed the issue back to Parliament. It is our obligation and responsibility as legislators to deal with the issue, and that is what we will do over the coming months.

The courts have never ruled on legislation of the type that we would propose, which would ensure equal rights and privileges for same sex partnerships while affirming the traditional definition of marriage. I am confident that ensuring equal rights in this way, in conjunction with legislation on the traditional definition of marriage, would represent a reasonable compromise and a firm expression of Parliament's view on the issue. I have confidence that the courts would respect the democratic will.

Again, I believe strongly that our position is the reasonable compromise position and it is the moderate position that is reflected in the general will of Canadians.

• (1240)

Mr. Rick Casson (Lethbridge, CPC): Madam Speaker, I want to thank my colleague for her well thought out and researched comments. The issue of the definition of marriage has been one that has kept our staff, our faxes, e-mails and Internet connections very busy. When we go home for the weekend, we meet with the people in our ridings. This weekend some issues were brought forward to me, and these are some examples. The trucking industry facing is serious problems. It needs some redress by the government to help it get through a bad time. Another issue is related to immigration where a family is trying to get their relatives out of a camp in Jordan. Stay-at-home parents have asked me if there will be tax cuts in the budget for them. It goes on and on. Farmers do not have money to seed their crops this spring. They have asked me where is the government on a motion that was passed to get rid of the cash deposits in the CAIS program.

All these issues have come forward, and they have never stopped. They ask why the government is so consumed with this issue that it will not address the things that affect them on a day to day basis.

Could the member comment on the fact that the government seems to have a one-trick pony with this legislation and nothing else is happening.

Ms. Rona Ambrose: Madam Speaker, I agree with the member. It is very concerning that this is one of the only pieces of legislation we have seen introduced by the government in this session. It is particularly concerning because it is not legislation for which Canadians have asked. It is not legislation for which any of the opposition parties have asked. It is legislation that the government seems obsessed about and clearly is not reflective of the democratic will of the House or of Canadians.

I agree, going back to my constituency, that this is a very important issue for us to consider as legislators, and my constituents have strong views on it. However, there are many other issues in my riding such as homelessness, poverty, violence against women and many important social public policy issues with which we are not addressing. I hear the frustration from my constituents as well every day as to why, particularly coming up to budget week, we are not discussing issues of the economy.

Mr. Pat O'Brien (London—Fanshawe, Lib.): Madam Speaker, let me congratulate the member on a good speech. I thought it was very well presented. There was one point that caused me concern though, and if I heard it correctly, I would like to ask her about that.

She seemed to indicate that a same sex relationship was equally valuable to society as a heterosexual marriage. If I heard it correctly, I would take issue with that. I would quote Judge Gonthie who stated in his ruling that "The fundamental nature of marriage inheres in, among other things, its central role in human procreation".

I would note for her that her colleague from Calgary Southwest, with whom I completely agree, has indicated that while there can be recognition in law for same sex relationships, it is quite a stretch to suggest that a same sex relationship, which can never result in procreation without the unnatural involvement of a third person, is as socially valuable to us as heterosexual relationships. Could she clarify that?

Ms. Rona Ambrose: Madam Speaker, it is my view that our proposed amendments reflect the fact that gay and lesbian couples should be accorded all the same rights and benefits under the law as marriage rights are accorded under the traditional definition of marriage. That is my view.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Madam Speaker, I think a few minutes ago the member was recounting the genesis of this debate. She mentioned that she thought Canadians had not asked for this question to be on the agenda.

What does that make of the gay and lesbian couples across Canada who wanted to be included in the institution of marriage, who believed in the institution of marriage and who sought out the right to be married in Canada? Does that make them not Canadian? Does that make them some other form, a lower class of Canadian citizenship?

Surely the people who are moving this debate along are the couples who sought to be included in this venerable institution and who wanted to make that commitment to each other. By her statement, it seems that she does not seem to include them as Canadian citizens. Could she comment on that?

• (1245)

Ms. Rona Ambrose: Madam Speaker, I want to let my colleague across the way know that I would never consider the competing interests in this debate to be un-Canadian on either side. Nor would I ever consider views coming from gay advocacy groups and gay and lesbian couples who are interested in participating in the institution of marriage to be un-Canadian.

We need to find a compromise position between the competing interests at stake here. I believe that compromise position is reflected in what the Leader of the Opposition has put forward in recognizing all the rights and benefits of marriage for same sex couples in recognized unions.

[*Translation*]

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I rise today to speak in support of Bill C-38, the civil marriage act, introduced by the government.

Government Orders

Before addressing the subject, I just want to say that much has been made of the fact that the government is not allowing a free vote on this and that if the vote were free, the bill would not pass. This is pure nonsense. The vote will be free on this side of the House. The hon. members can vote as they see fit.

However, the government has an opinion and this is a government bill. Accordingly, cabinet will vote in favour of the bill, as will the parliamentary secretary to the Minister of Justice, since the bill was introduced by the Minister of Justice.

There is nothing magical or coercive in this. The government will urge all hon. members to consider the merits of a vote confirming what, in the opinion of the Supreme Court of Canada, is a fundamental right vested in the charter.

For my part, as a mere parliamentary secretary required to vote in favour of the bill—although I know I am not the only parliamentary secretary to do so—I would have voted in favour of it regardless. Let me explain why.

We certainly cannot deny that for many this is a difficult decision for religious or personal reasons. We are talking about one of the oldest and most central institutions in our society. The topic is highly charged emotionally.

[*English*]

I would join my colleagues, however, in encouraging members of Parliament and indeed all Canadians to conduct the debate as it has been to date, in a calm and respectful way. The views of all members must be heard. The test of our values and our respect for tolerance and diversity will be to continue to listen with an open mind to the comments and concerns not only of those we agree with, but even more importantly, of those we do not agree with.

What strikes me as I have listened to the comments from colleagues and other members of the House, constituents, religious groups, family and friends is that the arguments being made in the House today are not unique. Let me take a brief moment to read a representative comment, “Assuming that there must be some restrictions as to marriage, we may assume also that the laws imposing such restrictions ought not to be changed without some good and clearly ascertained case”.

The speaker then went on to say that there is “no sufficient cause for the change now proposed” and that it is not unreasonable to alter the traditional law on marriage as “it is contrary to sound principles to legislate for the very few when such legislation must injuriously affect the welfare and happiness of a much larger number”. He expressed concern that the changes in legislation would result in changes to religious practices and concluded that the legislation was too important to be passed quickly without “due time for ascertaining the sentiments of the people generally”.

Debate in the House of Commons would be insufficient as his parishioners in Nova Scotia had difficulty following the goings on of the Parliament in distant Ottawa. The time was needed for the populous to get used to the idea. Parliament was rushing the issue.

Many of the arguments made today against extending civil marriage to same sex couples are eerily similar to those arguments. Those comments were drawn from well over 100 years ago, in 1890

when Canada's marriage laws were being amended to allow a widow or widower to marry the sibling of their deceased spouse. Those comments were made by the Anglican Bishop of Nova Scotia because of course this marriage was then prohibited by the church.

As would be expected, the bishop expressed concern that this extension of marriage was contrary to the Christian concept of marriage and cited numerous quotations from the Bible. He even raised the spectre of polygamy. A man who was prepared to marry his deceased wife's sister, he said, might next want to marry all of her sisters at the same time, and what would be left to stop this if we allowed him to marry more than one sibling one after the other?

In the year 2005, well over 100 years later, it is striking to me that this House has also heard every one of these arguments anew. I am fascinated by how easy it is to lose perspective as we sometimes lose history.

I hope we come to view these arguments with the same perspective now as the House finally did in 1890 when these changes to Canada's marriage laws were passed.

Nor was 1890 the last and only time that our marriage laws were amended, or these arguments were raised. As recently as 1990 the federal Marriage (Prohibited Degrees) Act was amended to extend access to civil marriage to those who were related by blood in second degree relationships, that is, cousins, and uncles or aunts and their nieces and nephews.

In 1990 many experts in genetics were called before a Senate committee to explain that there was no scientific basis for the perception that these relationships resulted in an increased probability of physical or mental impairment. So consistent was the evidence that the amendment passed with very little controversy.

● (1250)

I suspect that many of my fellow members of Parliament did not even know that the law had been changed in this regard. It is another example of the fact that civil marriage is not immutable and has been extended over time to groups previously excluded.

Indeed, Upper Canada passed its first marriage act as early as 1793. The legislation was based on the British Lord Hardwicke's Act and restricted the ability to perform marriages to the Church of England or Anglican ministers. In 1798 after considerable pressure, the ability to perform marriages was extended to ordained Presbyterian, Lutheran and Calvinist ministers, but only where they were certified, which was an extra procedure that was not necessary for the Church of England ministers.

Methodists were specifically left out until 1829 when the legislation was extended to Congregationalist, Baptist, Independent, Mennonite, Tunker, Moravian and Methodist ministers. It was not until 1857 that ministers of every religious denomination, including Jewish rabbis, were authorized to perform marriages. Other provinces and territories followed similar paths.

Government Orders

Civil marriage in Canada was created by legislation fairly early in Canada's west, in British Columbia in 1888, in the Northwest Territories in 1898, in Manitoba in 1932, perhaps more because of the unavailability of religious ministers. Ontario waited until 1950 to introduce civil marriage. Quebec, Nova Scotia, New Brunswick, P.E.I. and Newfoundland and Labrador introduced it only in the 1960s. In each case there was controversy and concern.

Although Canada never had any laws preventing interracial marriage as there were in the United States, Canadian authors cite instances where authorities resorted to deportation and charges of seduction, as well as instances where community members resorted to torture and even murder to prevent such unnatural unions. Happily, this aspect of marriage has changed.

Similar arguments were put forward with regard to divorce laws. One member of Parliament in 1894 said:

Every Catholic is opposed... and yet the Protestant majority of this House want to impose the law upon us in this matter.... Who may tell what the future keeps in store for us?

Those words are from a distinguished member of the House, the hon. Hormidas Jeannotte, uttered in 1894 in the context of a debate on the bill of divorce for one James St.-George Dillon.

Prior to the passage of Canada's first Divorce Act in 1968, individual bills were needed to grant divorces. Certainly the concerns uttered then are again similar to those that we have heard more recently.

Senator Bellerose said in a debate in the Senate on the same bill that if divorce were granted it would "encourage the whole population of Montreal and of the province of Quebec...to separate from their wives in order to achieve the same end". He insisted that it would be a travesty if Parliament passed the bill because "it was understood at the time of Confederation that divorce would not be granted to Catholics".

Indeed these arguments were raised in almost every recorded debate on any change to Canadian laws on marriage or divorce and yet, as we can all plainly see, religious practices have changed very little. Some religious groups still do not recognize divorce, and the change in the civil law does not force them to do so.

Some religious groups still do not allow marriage between first cousins, and the change in the civil law does not force them to do so. In the same way, the passage of Bill C-38 would not force religious groups who do not recognize marriage between same sex partners to do so.

●(1255)

I fully understand that those opposed to this bill are not radicals. They are not bigots. They are not homophobic. This is a big change for our society within one lifespan. For me, and as others have said before in the House, when I grew up and first learned the law, homosexual behaviour was still prohibited by the criminal law. It is not long ago in our lifetimes, as the Prime Minister mentioned in his speech, that gay and lesbian Canadians were not welcome in the Canadian Forces, were not protected by the law from being dismissed from a job or refused service in a restaurant simply because they were gay. It is difficult for some in our society to accept

that what was very recently hidden and invisible is now being accepted as a minority group deserving of protection and respect.

Let me just probe that a little. Why would this not be a group of people deserving of protection from discrimination? As the Minister of Justice has said, it is easy to believe in equality when we agree with a particular minority, but history is full of instances that demonstrate just how much a test of our beliefs and our values it is when we are talking about a minority that we do not agree with.

Let us remember that gay and lesbian individuals have been subjected to a lengthy history of discrimination and indeed persecution in many societies. It is all too recent that they were targets of Nazi Germany, where they were forced to wear pink triangles and many were housed in concentration camps. It is all too recent that the fear of outing or coming out meant the end of a career and even family life for many who were forced to live invisibly in our own Canada.

I was concerned to hear the opposition make reference to the fact that this is not about human rights, that there are no instances of real discrimination here with regard to this group. With respect, that is a denial of history and a denial of fact. I have heard from parents, as I am sure have a number of members, sad and terrible stories about children who have committed suicide because they were afraid of telling their parents about their sexual orientation, of young people cast off by their families, of schoolyard taunting and harassment, of violence directed against people only because they were suspected of being gay.

No purpose is served by comparing the history of disadvantage, of discrimination and of exclusion of different minority groups. I will be supporting this bill because I believe in the eradication of discrimination for all minority groups, and in the equal importance of the protection of the freedom of religion. The government bill acts responsibly and carefully to balance full respect for equality and the freedom of religion, basic Canadian values of such importance that they are entrenched as part of our Constitution, forever limiting the power of this House.

The opposition says that this bill should not pass because half of Canadians are not in support. I realize that Canadians are evenly divided on this issue, but what about those who are in favour? Should those opposed ask the House to turn back the hands of time, to ignore the fact that the law has already changed in eight provinces and territories because the courts have made binding decisions that limiting civil marriage to opposite sex couples is a violation of our Constitution?

Our own history shows us that those opposed will be fully protected from these changes. They will not touch their lives unless they choose to have it happen. Religious groups will retain the full ability to make their own decisions about whether to recognize these legal changes in the same way they already have with earlier changes to the civil law on marriage and divorce.

●(1300)

However the House has a duty, not only to those opposed but to those in favour, not only to those religious groups who do not wish to perform same sex marriages but also to those who do.

Government Orders

In the discussions surrounding the 1968 Divorce Act, religious groups took sides. Some urged the government not to pass the civil divorce law for Canada fearing the impact on religious practice and others who urged the government to go further and include a ground for divorce based solely on marital breakdown.

Now as then, it falls to the civil authority to legislate in a way that allows all religious groups to continue with their beliefs. The way to do that here is to pass this law, allowing religions to decide this issue for themselves and for their communities.

I respectfully submit that the bill represents the great Canadian compromise and I would urge all members to support the bill.

• (1305)

Mr. Rick Casson (Lethbridge, CPC): Madam Speaker, I have a point of clarification for the member opposite on some of his comments and on some of the things that will transpire from this point.

We understand that after the bill leaves the House of Commons it will not go to the regular justice and human rights committee, that a special committee will be struck to deal with the bill. Some of the concerns with that will be the structure and the membership of that committee. Will members on the government side who are opposed to this legislation be allowed to sit on it? Is this just an issue of fast-tracking this to stifle debate further in the country? I would like him to comment on those two issues.

In 1999 a motion was brought before the House to reaffirm the definition of marriage as being the union of a man and a woman and the motion passed. I have not looked at the record to see how the member voted, but perhaps he could explain just exactly what has happened since 1999 until now to change the government's position so drastically.

Hon. Paul Harold Macklin: Madam Speaker, the hon. member's question is important for the many people who observe our process to understand what is about to transpire.

Once the debate concludes, a vote takes place and, if the bill passes, it goes to a legislative committee. A legislative committee is a committee of the rules of this place where whips from all parties have an opportunity to select their own members and to bring forward the members they would like to present.

One of the realities also in the House, as we have learned, is that this is a minority Parliament and the way in which the committees are set up the government will not be able to maintain a majority vote on these committees. The public needs to know that the committee will be representative of the way in which the House is constituted and, in fairness, will deal with it as best it can, again representing all of the parties in the House and dealing with it in a full and democratic way.

The second point the hon. member raised goes back to the vote in 1999. As the hon. member may know, I was not a member of Parliament at that time, but as an observer it was a situation where one was able to sit back and look at the changes that have occurred in the House over time. I recited a number of changes to the marriage law that have occurred over the years and also to the divorce law. As time passes, the way in which we look at issues changes as well.

In particular, what we have to look at in our case is the evolution from a parliamentary democracy to a constitutional democracy. When in 1982 we entrenched in our Constitution a Charter of Rights and Freedoms, that was the Charter of Rights and Freedoms that was chosen by the House. In so doing, we set a standard. We established a set of rules to be applied against all of our laws in this country. That is very important. Many people do not realize that we put that in place as a guide, a sense of direction and a sense of our values being presented in a meaningful way so that it could be judged against all of our laws that come before the courts.

What is the position of our courts? The courts then become the guarantors for each and every one of us. As a law is brought forward and challenged based on the charter, the courts have to look at that law and see if it measures up to the values that we entrenched in 1982. If it does, then they leave it alone. If it does not, then they are our guarantors and have every right to strike down a law of that nature.

I suggest that there is a significant change that has occurred over the last 20-plus years.

• (1310)

Mr. Charles Hubbard (Miramichi, Lib.): Madam Speaker, the parliamentary secretary certainly has brought forth a very convincing argument from his point of view in terms of what changes should be brought about regarding marital relationships.

One of the major issues in this country is the fact that for probably 2,000 years, in our minds, in terms of being followers of the common law, marriage has certain connotations. In most people's thinking over past generations, marriage has been a relationship between a man and a woman. He brings to the House today a changed perception of what marriage is about and he could probably speak further on that.

I have a second point to make. In his discourse he indicated that even after this bill is passed, certain groups will be discriminated against because of their genetic relationships with one another. Is it his intent as parliamentary secretary to do away with relationships that previously prevented marriages of a man and a woman? Would those also be wiped clean? He indicated in his speech that geneticists have indicated this was not a problem with marriages of cousins and other relationships. If he could further expound on this for people in the House, we would certainly appreciate it.

Hon. Paul Harold Macklin: Madam Speaker, marriage has had a specific connotation. However some of my constituents do not realize that two ceremonies actually take place within our marriage ceremony. One is a religious ceremony, assuming one is having a religious marriage, and the other is a civil ceremony. When papers are signed in the church those papers usually are with respect to the civil side of the ceremony. Most of us have the mental approach to marriage as being simply one ceremony when in fact there are two.

The Constitution gave us the ability to deal with the definition of marriage but it was not a religious definition. It was a civil definition. Therefore we are restricted, short of a constitutional amendment, to deal with marriage as it is set out in our Constitution. We cannot broaden it without going through a constitutional amendment.

Government Orders

I respectfully suggest to the member that we are proceeding to deal with only the civil side of marriage. Although I know the connotation in many minds is that there is one process, there are in fact two separate processes going on at the same time.

With respect to his second question about discrimination, I am not referring to some form of genetic discrimination. Section 1 of the Constitution clearly states that rights can be limited where it is demonstrably justifiable in a free and democratic society. I submit that the reason the geneticist was brought in when we were making changes to the table of consanguinity and who could marry whom, was the health reasons. Looking back at some of the history involving royalty, it was demonstrated that when they intermarried it was unhealthy to have that inbred nature thrust upon society.

It is clear that there are solid scientific and genetic reasons why one would not simply disregard the relationships of one to another, why we have done investigations in the past, and why we have a table of consanguinity relating to who can marry whom.

• (1315)

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Haute-Saint-Charles, BQ): Madam Speaker, I am extremely pleased to speak in the House on Bill C-38. This may not be the beginning of the end, but it is surely the end of the beginning. I travelled around Canada with the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness to examine this issue. I am pleased to finally see the finish line.

During this journey, which will, I hope, lead to full equality for our fellow citizens who are homosexual, I would like the debates both inside and outside the House to be respectful of all sides, because the subject at hand is one that affects us deeply. This subject involves us as humans and concerns the most fundamental human and personal values we each hold. Great care must be taken not to hurt those whose opinion we do not necessarily share.

However, I must say that, at the same time, we have to be honest. I will start by saying that I am a bit disappointed by the attitude of the Conservative Party to this debate. Right from the start, they had decided to resort to delaying tactics to unnecessarily prolong the debate, in my opinion. When I hear, as I did earlier, Conservative Party members say, “My constituents want us to move on to something else and to talk about other issues”, this seems to contradict the fact that, first, they used delaying tactics and, second, that approximately 99% of their 99 members will speak in this debate.

That said, I believe it is essential to put this debate into context and establish the law at issue. The first, obviously, concerns the division of powers. We live in a federation. Although I do not want to be part of it, as long as we are, I will ensure that the division of powers is respected, specifically areas under Quebec's jurisdiction, and that the federal government does not intrude.

In the matter before us, the matter of marriage, or rather family law, the rule is as follows: family law is, as a general rule, under provincial jurisdiction. There are two exceptions to this: marriage—the status required in order to marry, and not the solemnization of marriage—and divorce.

As a result, Parliament, or we as parliamentarians, cannot address anything other than marriage and divorce. This means that we cannot, as parliamentarians, in any way create another form of conjugal union, whether termed civil union, registered partnership, or whatever, because we do not have the power to do so. As federal legislators, we cannot create or legislate on anything other than marriage, parts of marriage and divorce.

Hon. members will understand that we, as sovereignist MPs and members of the Bloc Québécois, cannot logically call upon Parliament to even try to legislate in something that comes under Quebec's jurisdiction. As a result, this is the first conclusion to be reached in order to properly situate this debate: we cannot legislate on anything except marriage and divorce, since the rest does not come under our jurisdiction.

As for the second point, in the constitutional document by which we are governed, there has been a Canadian charter of rights and freedoms since 1982. We have moved from a parliamentary democracy to a constitutional democracy, that is to say the power of the legislators, our powers, are restricted by a charter of rights.

Having decided as a society to equip ourselves with instruments that are constitutional, as far as the Canadian Charter of Rights and Freedoms is concerned, or supra-constitutional, as far as the Quebec charter of rights and freedoms is concerned, we cannot therefore legislate against these documents and the principles they contain.

• (1320)

I am rather surprised to hear the speeches by the Conservatives referring only to the Supreme Court's decisions, particularly in a reference. A number of courts have, in fact, studied the issue before us today. Except for one lower court whose decision was overthrown by an appeal court, all the courts have declared the so-called traditional definition of marriage, the one which denies spouses of the same sex the right to marry, to be unconstitutional, because it does not respect the right to equality enshrined in section 15 of the Canadian Charter of Rights and Freedoms. I will read this section, because it is of interest:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

I draw the House's attention to the phrase “in particular”, which indicates that this is not an exclusive list. As the law evolves, other bases of discrimination can be included, and that is what has happened since the decision in the Egan case. The Supreme Court ruled that sexual orientation was an unacceptable ground of discrimination under the constitutional law of the land. Thus, discrimination based on sexual orientation is not permitted.

Government Orders

Here I will offer an aside. The opposition leader cited the same ruling, the Egan case, supporting his argument that the Supreme Court had ruled on marriage only once, and wanted to keep the so-called traditional definition of marriage. I would like to send the opposition leader back to do his homework, because the judge who said that was in a minority; it was an *obiter dictum* to use a Latin phrase current in legal circles, which means that no court is bound by that little aside, if I could call it that, made by a justice of the Supreme Court.

The appeal courts of Quebec, Ontario and British Columbia, the supreme courts of Yukon, Nova Scotia and Newfoundland and Labrador, as well as the Court of Queen's Bench of Manitoba and Saskatchewan have all said, unanimously, that the equality right in section 15 requires that same sex spouses have the right to marry. Thus the legal situation in Canada is very clear: the law says that, today, same sex spouses have the right to marry.

What should we remember in all that? First, as I indicated earlier, we can only legislate on marriage. Second, according to the courts, the only way to legislate in compliance with the charter is by allowing same sex partners to get married.

What can we do about this? We could go for the notwithstanding clause, which means that we, as parliamentarians, would be saying that we have decided to suspend the rights and freedoms of some of our fellow citizens. That should be of concern to each of us personally. Are we, all of us, prepared to suspend rights that have been recognized by the courts? Personally, I am not in politics to suspend the rights and freedoms of my neighbours, friends and fellow citizens.

Those who think and say that we can legislate and restore the so-called traditional definition of marriage without using the notwithstanding clause are either in bad faith or ignorant of the law. Let me refer at this time to a letter to the leader of the opposition signed collectively by law professors, from which I would like to quote excerpts.

● (1325)

The letter states:

You must explain to Canadians how your plan to entrench the traditional definition of marriage will pass constitutional muster. The truth is, there is only one way to accomplish your goal: invoke the notwithstanding clause.—

The fact that you want Parliament to enact clearly unconstitutional legislation and adopt the traditional definition of marriage without using the notwithstanding clause leads us to suspect that you are playing politics with the Supreme Court and the Charter.—

It states further:

In short... [you] should either invoke the use of the notwithstanding clause, and justify this decision to Canadians, or concede that same-sex marriage is now part of Canada's legal landscape. If you intend to override Canadians' constitutional rights, you at least owe it to them to say this openly and directly. Canadians deserve better.

For 134 of Canada's top legal experts to take this extraordinary step of expressing their views not only for the leader of the opposition, but for all those against same sex marriage, means that these opponents have to be very clear. Are they prepared to suspend the rights and freedoms of their fellow citizens? Given that we are always a minority in relation to someone else, I am not in politics to suspend the rights and freedoms of anyone.

Let us talk about religion. We have heard many religion-based arguments from religious groups to uphold the so-called traditional definition of marriage. They should have the honesty to recognize that Bill C-38 applies only to civil marriage. From the beginning of this debate, from the very moment this topic appeared on the order of the day, my colleagues and I have tried to protect and balance two equally fundamental rights. The first is the total and unequivocal respect for the right to equality. I am a strong believer in the right to equality for anyone living in our society. I am also a strong believer in defending the right to freedom of religion. I do not believe that one of these rights is more important than the other. To me, the freedom of religion includes the right of any religious group to refuse to marry same sex partners if that is their wish.

There are numerous examples where this is already the case. A divorced Catholic wanting to remarry cannot get remarried in the Catholic Church, even though this is discriminatory. Why? Refusing to allow divorce is part of the Catholic Church dogma and deserves to be protected. A Catholic woman cannot become a priest. This is discriminatory on the face of it, but it is protected by the freedom of religion, which I will defend with as much vigour as I defend the right to same sex marriage.

For those who still say—in somewhat bad faith, in my opinion—that freedom of religion is threatened by Bill C-38, allow me to quote a few passages from various court rulings on this matter. I will begin by citing paragraphs 59 to 60 of the Supreme Court ruling.

It therefore seems clear that state compulsion on religious officials to perform same-sex marriages contrary to their religious beliefs would violate the guarantee of freedom of religion under s. 2(a) of the Charter. It also seems apparent that, absent exceptional circumstances which we cannot at present foresee, such a violation could not be justified under s. 1 of the Charter.

Paragraph 59 reads as follows:

The question we are asked to answer is confined to the performance of same-sex marriages by religious officials. However, concerns were raised about the compulsory use of sacred places for the celebration of such marriages and about being compelled to otherwise assist in the celebration of same-sex marriages.

● (1330)

The reasoning that leads us to conclude that the guarantee of freedom of religion protects against the compulsory celebration of same-sex marriages, suggests that the same would hold for these concerns.

Returning to the question before us, the Court is of the opinion that, absent unique circumstances with respect to which we will not speculate, the guarantee of religious freedom in s. 2(a) of the Charter is broad enough to protect religious officials from being compelled by the state to perform civil or religious same-sex marriages that are contrary to their religious beliefs.

In my view, this is extremely clear. It is also the opinion of other courts. I can refer to the British Columbia Court of Appeal, which quotes the decision of Justice LaForme in the Halpern case in Ontario, which I will quote in English:

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[English]

Further, I find that there is no merit to the argument that the rights and interests of heterosexuals would be affected by granting same-sex couples the freedom to marry. Contrary to the assertion of Interfaith Coalition—I cannot conclude that freedom of religion would be threatened or jeopardized by legally sanctioning same-sex marriage. No religious body would be compelled to solemnize a same-sex marriage against its wishes and all religious people—of any faith—would continue to enjoy the freedom to hold and espouse their beliefs. Thus, there is no need for any infringement of the equality rights of lesbians and gays that arises because of the restrictions against same-sex marriage.

[Translation]

I could continue to quote from the British Columbia appeal court decision, which is quite clear on the next page. Moreover, the Ontario appeal court is more direct in its argument on freedom of religion. For those who are following the debate, I am quoting paragraphs 52 and 53.

[English]

MCCT framed its argument this way in its factum: There is no obligation on the law to recognize religious marriage as a legal institution. However, once it decides to do so (as it has done), it cannot withhold recognition to any religious marriage except in a constitutionally lawful manner.^[53] In our view, this case does not engage religious rights and freedoms. Marriage is a legal institution, as well as a religious and a social institution. This case is solely about the legal institution of marriage. It is not about the religious validity or invalidity of various forms of marriage. We do not view this case as, in any way, dealing or interfering with the religious institution of marriage.

[Translation]

It seems to be fairly clear that religious freedom is well protected at this time and no group could be forced to marry two persons of the same sex against its will.

It would, moreover, be worthwhile reasoning in the reverse, if I may make this aside. Today some groups, including the United Church, the Unitarians and the Reformed branch of Judaism, would like to be able to marry same sex couples, but cannot and still could not in certain jurisdictions, even if Bill C-38 were not passed. Why should these groups have the Catholic or Baptist definition of marriage imposed upon them? This is an infringement on their freedom of religion also.

I would also like to say a few words about clause 3 of Bill C-38. It raises a few questions in my mind, including whether it is not ultra vires as far as the powers of Parliament are concerned. I will go into that further in committee.

In closing, I will point out that a society is judged by the way it treats minorities. We have the responsibility to ensure that all minorities feel comfortable in our societies. I dream of the day when my children, who are seven today, will be able to live in a society where difference is not merely tolerated but welcomed and embraced. By giving and acknowledging rights to minorities, in this instance the rights of gays and lesbians, society as a whole will benefit, not just those minorities.

● (1335)

[English]

Mr. Pat O'Brien (London—Fanshawe, Lib.): Madam Speaker, I listened to my learned colleague and, indeed, I enjoyed serving with him on the justice committee when we went through the hearings on same sex marriage.

Does he support section 33 of the Charter of Rights and Freedoms, otherwise known as the notwithstanding clause? I would recall for him that he comes from a province where that very clause has been used. I would frankly like to hear his view. Does he support the presence of the clause in the charter at all?

Also, in terms of the clash of rights between religious freedoms and so-called gay rights, as a lawyer, surely he is aware, is he not, that in the last number of years, whenever those rights have clashed, religious freedoms have been trumped in each and every case by so-called gay rights? I would like to have his comments on that.

[Translation]

Mr. Richard Marceau: Madam Speaker, I too have appreciated spending time with the hon. member for London—Fanshawe on the Standing Committee on Justice, Human Rights, Public Safety and Emergency Preparedness; while his opinion has differed greatly from mine, we have enjoyed the exchange of ideas on this topic and many others.

Indeed, I am familiar with section 33 of the Charter of Rights and Freedoms. I am speaking personally now, and I would be open to a discussion regarding whether or not it is necessary to have such a section in the charter. I am open to a discussion, absolutely, on that point. There is one case we are interested in, in terms of freedom of religion, and if someone asked me whether the Government of Quebec should once again resort to section 33 of the charter in the case of religious instruction in Quebec—it has to make its decision by June—I would advise Quebec not to do it, so that all minorities and all religious groups will be on the same wavelength and on an equal footing.

The hon. member's second question concerned human rights, and the judgments various courts have made in various cases. One of the cases that was frequently brought up in the committee's work was that of a man who had paid for an advertisement which included a passage from the Bible and two men holding hands, two little stick figures, with a big *X* over top. This was often used as an example to say that freedom of religion was endangered because a Biblical quotation had been declared hate literature. But that is not true. It was the combination of the Bible passage with the big red circle over top that could lead to the idea that gays were not wanted, and even that they could be killed.

We must be very careful when we select our examples. We have to explain them well because shortcuts can be dangerous, not only in this debate, but it also may weaken the position that those who oppose same sex marriage want to defend.

[English]

Mr. Jim Gouk (British Columbia Southern Interior, CPC): Madam Speaker, I listened very carefully to the speech from my Bloc colleague. I have a couple of questions.

First, the hon. member spoke against the Conservative position, which I find curious. The Liberal government has a big block of people who are not allowed a free vote, and of the ones who are, tremendous pressure is being put on them to conform. The NDP is not allowing a free vote. Given that we are the only party, other than his own, which is offering a free and unfettered vote on this, I am curious why he chose to target the Conservative Party so much.

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Second, he suggested there were dilatory actions on the part of the Conservative Party to delay this and went on to explain how perhaps all 99 MPs would be speaking to it. Given that we have a free vote and we do have some people on each side of the issue, could he tell us on which side of the issue he wants us to curtail the right of an MP to speak on this issue, those for it or those against it?

• (1340)

[Translation]

Mr. Richard Marceau: Madam Speaker, I am asking for rigour in this debate. We cannot, on one hand, ask why so much time is being spent on this subject and complain about it, as the Conservatives are doing, and on the other, ensure that 99 members will not speak just once but rather twice, by using, as they are, a dilatory tactic.

People cannot talk out of both sides of their mouths. In my experience, the Conservative Party, all too often in cases concerning the rights of same sex couples or homosexuals, resorts to such rhetoric.

I want to take this opportunity to recognize the work of my colleague from Hochelaga on this entire debate on same sex marriage. This is not the first debate on the rights of homosexuals. I am convinced that, when this fight to grant homosexuals full equality in our society goes down in history and whenever the debates since the 1990s to present are mentioned, the name of my colleague from Hochelaga will be quite prominent.

In fact, he has been fighting tooth and nail. He has faced not only political obstacles, but personal ones to ensure that gays and lesbians in Montreal, Quebec, Canada have access to full equality. Whether he is fighting for same sex marriage, against hate propaganda, for the recognition of the right to pension benefits and other rights, my colleague from Hochelaga deserves the support and thanks, not only of women and men in the gay community, but also, I believe, of society as a whole.

[English]

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, the member commented a number of times with regard to the issue of protecting religious rights. I would refer him to clause 60 in the Supreme Court decision on the reference. It states:

Absent unique circumstances with respect to which the Court will not speculate, the guarantee of religious freedom in s. 2(a) of the Charter is broad enough—

As well, he may know that the Prime Minister has also publicly indicated that he would invoke the notwithstanding clause should the courts decide that religious freedoms were to be overridden. Does the member agree that those two citations would tend to indicate that this is going to be an issue at one time or another before the courts, and whether he believes there is a way that this House can fully guarantee religious rights?

[Translation]

Mr. Richard Marceau: Madam Speaker, first, in connection with what the Prime Minister has said, I cannot say that in this debate, as in many others, the Prime Minister has been exceptionally consistent. This is not the first time he has come out with things that are anything but clear.

That said, I would invite my colleague to read not only the Supreme Court ruling, but also those of the BC appeal court—from which I read excerpts—the Ontario appeal court and the decision by Justice Lemay of the Quebec superior court. The latter was, moreover, just recently confirmed by the Quebec appeal court. All three have stated in black and white that freedom of religion was not at any risk.

That said, my colleague who spoke Friday raised the possibility that civil registrars could be called upon to marry same sex couples and wondered if they should be given the opportunity to refuse to do so. I would be curious to see anyone get up to defend the right of a civil registrar to refuse to marry a black man and a white woman because of religious convictions. No one in this place would do such a thing.

Why would this be unacceptable in one case and not in the other? If a person is a civil registrar, he is an agent of a lay or secular state, and so must apply the law as it exists. This means that in Quebec, in British Columbia, in Ontario and I hope in all of Canada, very soon, same sex couples will have access to civil marriage and that civil registrars will be required to marry them.

• (1345)

[English]

Mr. Pat O'Brien (London—Fanshawe, Lib.): Madam Speaker, I want to be very clear that absolutely no one in my party sought to vet my speech in any way. What I say today are my own words and I will stand by them.

This debate is truly an historic occasion for what is at stake is the future of the most vital institution in our nation, marriage and the family. Bill C-38, if enacted, will change the definition of marriage in Canada to include same sex couples. The bill states, “Marriage, for civil purposes, is the lawful union of two persons to the exclusion of all others.”

This proposed definition is one that both I and my wife Evelyn, and millions of other Canadians find unnecessary, illogical and morally offensive. Opponents include members of every political party and no political party, of every faith and of no particular faith. Same sex marriage is an oxymoron because it denies the heterosexual prerequisite of true marriage. It is a real threat to marriage and the family which is the basic foundation of all human societies.

Mr. Justice Gonthier in the December 19, 2002, Supreme Court of Canada decision of *Nova Scotia v. Walsh* states:

Marriage and the family existed long before any legislature decided to regulate them. For centuries they have been central to society, contributing to its social cohesion and fundamental structure...Marriage and the family promote the psychological, social and economic well-being of all members of the family unit... The fundamental nature of marriage inheres in, among other things, its central role in human procreation...Marriage and family life are not inventions of the legislature; rather, the legislature is merely recognizing their social importance.

Rather than attacking marriage in a misguided effort to treat same sex couples fairly, our courts and our governments should be protecting the institution of marriage and defending the traditional definition.

In October 2001, in a decision which upheld the opposite sex requirement of marriage, Mr. Justice Pitfield of the supreme court of British Columbia emphasized the fundamental role of marriage when he stated:

The state has a demonstrably genuine justification in affording recognition, preference, and precedence to the nature and character of the core social and legal arrangement by which society endures...The gain to society...of the deep-rooted and fundamental legal institution of opposite-sex marriage outweighs the detrimental effect of the law on the petitioners.

In other words, traditional marriage is a unique and vital relationship on which the future of humanity depends. As such, it does not offend the charter to treat this special relationship in a preferential manner. True marriage results in the unifying act of sexual intercourse and is reproductive in type.

Robert P. George addresses this point in his article "Same Sex Marriage and Moral Neutrality": He states:

What most of the proponents of same-sex marriage fail to realize is that the unity of spouses is distinct from any other kind of unity. What makes it distinct is the reproductive-type act, whereby a man and a woman become a single reproductive principle. This distinction makes marriage intrinsically ordered to the good of procreation as well to the good of spousal unity, and these goods are tightly bound together.

Repeatedly one hears that same sex marriage is a matter of human rights or minority rights and that to prohibit same sex relationships from being called marriage is unfairly discriminatory under our Charter of Rights and Freedoms. A plethora of public opinion polls shows that Canadians are divided on this point about evenly. Expert opinion is certainly divided even in the legal community.

As others have noted, those who claim same sex marriage is a human right cannot point to a single ruling by any national or international court, including the United Nations, or indeed by a human rights tribunal to support those arguments. Some people have even tried to draw an analogy between the women's rights and the black civil rights movements with the demand for same sex marriage. This analogy is utterly false. However well-intentioned its proponents, only by a misreading of history and the use of specious logic can one possibly arrive at such a patently false conclusion

● (1350)

Millions of Canadian women and many black persons, including personal friends of mine, feel insulted by this false analogy. To equate their legitimate demands for equal and just treatment consistent with natural moral law with the illegitimate demands for same sex marriage in contravention of natural moral law is illogical. It is equally illogical to argue that the natural extension of protecting individual rights of gays, which I and most Canadians support, is that two gays in a sexual relationship somehow have the right to co-opt the term marriage to describe their relationship. The charter does not speak to group rights, even a group of two people. Rather, it speaks solely and exclusively to individual rights.

It should be noted that some gays and lesbians are most eloquent and persuasive opponents of same sex marriage. Consider the words

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of John McKellar, Executive Director of HOPE, Homosexuals Opposed to Pride Extremism, who has stated:

—[it is] selfish and rude for the gay community to push same sex marriage legislation and redefine society's traditions and conventions for our own self-indulgence. Federal and provincial laws are being changed and the traditional values are being compromised just to appease a tiny, self-anointed clique...

I certainly agree with Mr. McKellar and with Bishop Ronald Fabbro of the Roman Catholic Diocese of London, who states:

—the issue is one of the common good of society, rather than one of individual rights. We have seen, in the last few decades, factors that have led to the devaluing of marriage, such as the increase in common-law unions and more lax divorce laws. Our concern is that this change in the definition will further devalue marriage.

The proponents of same sex marriage argue that no harm will be done to marriage and society if marriage is reconstructed to include same sex relationships. They note that gays and lesbians are being married in much of Canada currently and the sky has not fallen. Such facile and simplistic arguments totally ignore considerable expert advice which warns about the future long term erosion of marriage and the family if we surrender to the same sex lobby.

Lesbian theorist Ladelle McWhorte argues that if gay people are:

—allowed to participate as gay people in communities and institutions [heterosexuals] claim as theirs, our presence will change those institutions and practices enough to undermine their preferred version of heterosexuality and, in turn, they themselves will not be the same.

Yale University's expert legal theorist William Eskridge, an openly gay man, candidly concedes that:

Gay experience with "families we choose" delinks family from gender, blood, and kinship. Gay families of choice are relatively ungendered, raise children that are biologically unrelated to one or both parents, and often form no more than a shadowy connection between the larger kinship groups.

McGill University Professor Daniel Cere argues that the recent judgments in favour of same sex marriage are based on a vision which would disconnect children from their natural parent and that parenthood is reduced to nothing more than a functional activity separate from procreation.

If Bill C-38 becomes law, I sincerely hope these experts are wrong. However, the unmistakable lesson of history is that they are right.

The legislation reconfirms the existing guarantee of religious freedom by which religious officials cannot be made to officiate at wedding ceremonies in contravention of their religious beliefs. So far, and with good reason, religious authorities in Canada do not feel very reassured on this point. It is easily predictable that this so-called guarantee will be challenged by gay and lesbian activists in a variety of ways. Given the track record of our Canadian courts, whenever religious freedom has clashed with supposed gay rights, it is all too obvious that religious leaders should be very concerned.

S. O. 31

•(1355)

Religious leaders and Canadians who embrace religious values not only have the right but the duty to speak out in this debate. This is our country too, and we have every right to oppose this most serious threat to the cornerstone of our society: marriage and the family. The argument that we must be silent as per some erroneous and nebulous notion of the separation of church and state displays an incredible ignorance of Canadian history and the very founding of this nation in 1867.

In light of the inexorable judicial activism we have witnessed in the post-charter years, it seems clear to me that ultimately there is only one way to preserve the traditional definition of marriage: the use of the notwithstanding clause. The Leader of the Opposition argues that there is a way to preserve the traditional definition of marriage, short of using the notwithstanding clause. I will not repeat his arguments, but if his opinion proves to be legally correct, I will gladly support such a course of action. Millions of other Canadians would surely agree as well. For me, the use of the clause should be a last resort on vital issues and if it proves to be the only option, I support using it.

The Prime Minister argues that the use of the notwithstanding clause in this case would imperil the rights of all minorities who, in future, could find themselves threatened by the use of the clause to deny them their rights. Again, this argument equates the illegitimate demand for same sex marriage to the legitimate demand of other minorities for equal rights. With all due respect to the Prime Minister, it is illogical, hyperbolic and rather less than convincing to millions of Canadians, including legal experts.

May I remind those critics who vilify this clause, that it is section 33 of the Charter of Rights and Freedoms. Indeed, it can be argued that without this clause, the charter would never have been agreed to by the political leaders of Canada in 1981. Therefore, should there prove to be no other option, I call again on the Prime Minister to invoke this clause and defend the only logical and valid definition of marriage, the traditional definition.

The Prime Minister further has stated that we cannot return to the past, that is, retain the traditional definition of marriage “with a simple snap of the fingers”. Recall that incredibly it was a simple snap of the legal fingers of three judges in Ontario that instantly redefined marriage in June 2003. This shockingly arrogant ruling is an insult to the people and Parliament of Canada. At that time, as I served on the justice committee, I called for the ruling to be appealed by the federal government. The failure to do so is clearly the reason that the Supreme Court refused to address itself to the constitutionality of the traditional definition of marriage, which was question four in the reference to the court. Surely that time, when the justice committee hearings were reduced to a pathetic farce, should be recorded as one of the most disgraceful and duplicitous moments in the history of our parliamentary deliberations as a nation. It was also the quintessence of judicial activism at its worst.

I further call again on the Prime Minister to extend to all Liberal members of Parliament, including cabinet ministers, a free vote of conscience. This is no mundane piece of legislation. It is one of the most important decisions any Canadian Parliament has made or will make.

STATEMENTS BY MEMBERS

[English]

BIG BROTHERS BIG SISTERS OF CANADA

Mr. Lloyd St. Amand (Brant, Lib.): Madam Speaker, I rise today to pay tribute to the numerous Canadians who volunteer their time as Big Brothers or Big Sisters.

In particular, I would like to acknowledge the Brantford local agency. Big Brothers of Brantford and District has been creating friendships since 1967. This agency started matching big brothers with little brothers and has grown to include a variety of different programs which serve both boys and girls.

The Brant community is proud of the achievements of the Big Brothers of Brantford and District. We will continue to strive to be on the leading edge of the movement in Canada.

I myself am proud to have been a former big brother for 10 years and I am honoured to be part of the longstanding alumni of Canadians who have given their time and effort to providing a positive role model for children in Canada.

The goal of Big Brothers and Big Sisters of Canada is that every child in Canada who needs a mentor has a mentor. I would like to encourage all of my hon. colleagues to become involved by volunteering a few hours of their time and in turn making a significant difference in a child's life.

* * *

•(1400)

EQUALIZATION PROGRAM

Mr. Garry Breitzkreuz (Yorkton—Melville, CPC): Madam Speaker, a remarkable consensus was reached in Saskatchewan on Friday.

Political leaders from four different parties agreed to press the federal government to implement the 10 province standard for equalization in Canada, which was a key factor in the Conservative election platform.

The premier of Saskatchewan, the provincial leader of the opposition, seven Conservative MPs and the leader of the provincial Liberal Party all agreed that the people of Saskatchewan deserve an equalization deal that has the same terms as those provided for in the Atlantic accord. In particular, non-renewable resources should not be included in calculating transfers to the provinces.

We urge the finance minister, who is a Saskatchewan MP, to stand up for his home province and deliver a fair deal for the people of Saskatchewan. What possible excuse can the member for Wascana give for not treating all provinces equally under a program that is supposed to be a national program?

* * *

JUSTICE

Mr. Tom Wappel (Scarborough Southwest, Lib.): Madam Speaker, continuing in my series analyzing whether the courts are protecting our children, I would like to draw the House's attention to a recent study.

Led by Ron Langevin and published in the *Canadian Journal of Criminology and Criminal Justice*, this October 2004 study reveals the disturbing recidivism results of 320 sex offenders. In his study, Langevin concludes that child sexual abusers showed the highest recidivism rates, at 94%.

These findings communicate one clear message. Our children are not being protected.

Child abusers need to stop being offered chances to abuse again. They need to be sentenced to proper jail times, including the Crown seeking more dangerous offender designations.

A pedophilia recidivism rate of over 90% shows clearly that we are not protecting our children from sexual exploitation.

* * *

[Translation]

QUEBEC GAMES

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Madam Speaker, on February 25, the opening ceremonies of the 40th Quebec Games Final will take place in the beautiful city of Saint-Hyacinthe, launching a wonderful week that will see thousands of young athletes compete in 18 different events.

For more than three years now, many stakeholders from all areas of the community have put their shoulders to the wheel to get the games and to put in place all the infrastructure necessary to ensure the success of this major event.

With the official opening just days away, I would like to salute the remarkable work done by all these people, as well as the work of the 3,500 volunteers who will look after the comfort and well-being of the 10,000 athletes, officials, escorts and visitors who will be spending the week in Saint-Hyacinthe.

To all young Quebeckers, I wish great games.

* * *

HERITAGE DAY

Hon. Peter Adams (Peterborough, Lib.): Madam Speaker, each year, on the third Monday of February, Canadians from coast to coast celebrate Heritage Day.

[English]

This year the theme for Heritage Day is Spiritual and Sacred Places, a theme firmly rooted in the soul and strength of community. I invite Canadians to reflect on the spiritual and sacred places in their lives as well as to honour the sacred places of others.

We can all do this by learning about, for example, Saint Joseph's Oratory in Montreal, the Al-Rashid Mosque in Edmonton, Canada's first mosque, and the many and diverse sacred places of Canada's first peoples by browsing Community Memories at the Virtual Museum of Canada or simply by visiting a nearby spiritual place.

Let us celebrate Heritage Day.

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RURAL REVOLUTION

Mr. Kevin Sorenson (Crowfoot, CPC): Madam Speaker, last Friday disgruntled Ontario farmers and rural landowners shut down a portion of Highway 401. The demonstration, dubbed the Rural Revolution, was aimed at delivering a message to all levels of government to stop intrusive legislation and enshrine property rights in our Constitution.

Western Canadian farmers would agree. The Endangered Species Act, cruelty to animals legislation and the national firearms registry are just a few examples of this government's total disregard and disrespect for farmers and rural landowners in this country.

Very little or no consideration is ever given to the way these intrusive and costly measures affect rural Canadians. There are enough natural disasters, such as BSE, the drought and the avian flu, plaguing our farmers. We certainly do not need any more government-made crises.

I therefore implore the government to ensure that all legislation and policies are closely analyzed for their impact on agriculture and rural Canada.

* * *

● (1405)

ELECTORAL SYSTEM

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, the essence of progress is the need for renewal. This principle applies to all things, including our electoral system.

In provinces across the country there have been concerted efforts to reflect on the current state of the electoral system and to consider alternatives that would invigorate and renew the political process.

In May of this year, British Columbians will have an opportunity to vote on the recommendation of their citizens' assembly, which has proposed a single transferrable vote system. Quebec has a draft bill before it, currently being studied by a parliamentary committee, and Ontario has created the democratic renewal secretariat.

Indeed, in democracies across the world changes are being introduced that are designed to encourage voter participation to demonstrate to citizens that they have a stake in the governance of their countries.

I encourage the government and all members of the House to continue to move forward expediently with electoral reform at the federal level. In so doing, we would encourage Canadians to participate fully in one of the most invaluable legacies of our nation's founders, our free and democratic system of governance.

* * *

[Translation]

FRANÇOIS BOURQUE

Mr. Marc Lemay (Abitibi—Témiscamingue, BQ): Mr. Speaker, yesterday was a day of joy for the people of New Richmond, Chaleur Bay, the Gaspé peninsula, and all of Quebec, celebrating the success of François Bourque, a 20-year-old skier who won the bronze medal in the super-G at Garmisch-Partenkirchen, Germany.

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This young man from Gaspé has become the first Quebecker and only the third Canadian to win a place on a super-G podium.

This third-place finish practically guarantees that François Bourque will be participating in the World Cup finals when the 25 best athletes in this discipline compete.

With the Winter Games in Turin just one year away, our hopes could not be higher. The Bloc Québécois congratulates François Bourque and wishes him all the success a talent like his deserves.

* * *

[*English*]

ARTS AND CULTURE

Mr. Anthony Rota (Nipissing—Timiskaming, Lib.): Mr. Speaker, I rise today to pay tribute to Judith Fitzgerald, an acclaimed writer and poet who currently resides in northern Ontario's Almaguin Highlands.

Judith Fitzgerald is a writer of complex poems, a literary journalist and a biographer of Marshall McLuhan and Leonard Cohen. She writes about baseball and has edited a great number of books. She is the author of perceptive and controversial poetry reviews in *The Globe and Mail* and elsewhere. Her poem *mouth to mouth recitation* was recently featured as poem of the week on the website of the poet laureate of Parliament.

Ms. Fitzgerald is the recipient of several prestigious awards, including the Fiona Mee Literary Journalism Award and the Writers' Choice Award for *Given Names: New and Selected Poems*.

As World Poetry Day quickly approaches, I would like to congratulate Ms. Fitzgerald on all of her recent accomplishments and, on behalf of parliamentarians, I would like to thank her for her outstanding contributions to Canadian literature.

* * *

WAL-MART

Mr. Richard Harris (Cariboo—Prince George, CPC): Mr. Speaker, it is time to set the record straight on Wal-Mart stores. They employ over 70,000 Canadians and do business with over 6,000 Canadian suppliers. They employ thousands of seniors and students in part time work in addition to their full time staff.

Wal-Mart contributes over \$135,000 every week to Canadian charities and last year raised and donated over \$7 million to Canadian charities.

Wal-Mart is continually ranked as the best retailer in Canada to work for and last year ranked eighth as the best overall company in Canada to work for.

Wal-Mart stores are favourites with Canadians because they benefit communities with economic development, charitable giving, good jobs in a great workplace, opportunities for the disabled and, let us not forget, great products at low prices.

I say well done, Wal-Mart. As a corporate citizen, Wal-Mart sets a fine example. I say way to go, Wal-Mart.

2010 WINTER GAMES

Mr. Don Bell (North Vancouver, Lib.): Mr. Speaker, February 2005 marks the five year countdown to the official opening ceremonies of the 21st Olympic Winter Games and the 10th Paralympic Winter Games in Vancouver and Whistler, British Columbia.

Public events are being held in B.C. to officially launch the five year countdown of the 2010 winter games. This past weekend, the Government of Canada held an event to promote the countdown and to raise awareness of the games across the country.

These will truly be Canada's games. In 2010 the eyes of the world will be upon Canada as we host the Olympics and the Paralympic Winter Games. More than three billion people will be watching as we celebrate and showcase Canadian athletic, artistic and cultural excellence that will reflect the highest achievements of Canada's diversity.

Over the next five years the Government of Canada will seek unique opportunities for all Canadians to benefit from hosting the games. They will also help the Government of Canada and the many partners involved achieve sustainable environmental, social, cultural, sport and economic benefits across the country and for all Canadians.

Let us make this dream a reality for all Canadians in 2010. Let us take this opportunity to make Canada shine—

● (1410)

The Speaker: The hon. member for Windsor—Tecumseh.

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BLACK HISTORY MONTH

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, February is Black History Month, a month when we officially recognize the important contributions black Canadians have made and continue to make to our national mosaic. I would encourage all of us to take this time to remember the rich and diverse history of Canadians of black heritage.

There are many who are aware of parts of our black heritage. For instance, in my community of Windsor and Essex County it is well known that we were the terminus of the underground railway for slaves fleeing the United States. However, there is little official recognition of the history of black Canadians in many other respects.

I would encourage my colleagues to take this month to familiarize themselves with black history. I would also encourage our provincial and municipal governments to make a commitment to include a greater recognition of black history in our education curriculum.

Finally, our generation and subsequent generations must become more knowledgeable of the significant contributions to culture and science made by the black community.

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FAMILY DAY

Mr. Werner Schmidt (Kelowna—Lake Country, CPC): Mr. Speaker, today I wish to emphasize something which we all have in common.

Oral Questions

It knows no definition. At its best, it is a source of strength, respect, cooperation, compassion and love. It has more value than money or status or success. It is that institution which weaves together people, who become communities, which become a nation. It is family.

Today in the province of Alberta people are celebrating family day, a day that we should celebrate as a nation. Let us recognize the most important institution in Canada's society. Let us give Canadians a respite from a long winter and declare the third Monday of February Family Day.

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[Translation]

JUTRA AWARDS

Mr. Benoît Sauvageau (Repentigny, BQ): Mr. Speaker, the seventh annual Jutra Awards, which took place last night in Montreal, confirm the vitality of Quebec's cinema and the brilliance of those who work in this industry.

Two feature films, *Mémoires affectives* by the young and talented director Francis Leclerc, and *Ma vie en cinémascope* by the legendary Denise Filiatrault, swept the highest honours at this gala.

The Hommage award went to Michel Brault. He has been at the forefront of Quebec cinema and in a half-century career has been associated with nearly 200 productions, as a cameraman, director of photography, director or producer.

Considered the father of Quebec cinema, Michel Brault, in all his usual modesty, had this to say to the audience, "Thank you to my people, you who have entrusted me with your words and actions. Thank you, Quebec."

The Bloc Québécois applauds the immense talent in Quebec's artistic community who never fail to surprise us, touch us and move us, to our great pleasure and that of movie fans the world over.

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[English]

THE PRIME MINISTER

Mr. Jeff Watson (Essex, CPC):

Whether in Canada or abroad, here or thither,
He can't escape, he's Prime Minister Dithers.
He's rarely met two sides of an issue he can't take,
It's just a decision he won't make.
From one side to the other and in-between he slithers,
Where's Earnscliffe now to help Prime Minister Dithers?
Continuing Liberal foreign policy fumbles,
This PM is also Prime Minister Bumbles.
Syria's in Lebanon to keep peace, he said in French,
The next day it was time for the Prime Minister to retrench.
Ironically, moronically, it only matters he said it,
Prime Minister Bumbles should have his answers vetted.
Thirteen territories not three is the Canada he's seen,
And our soldiers he proudly sent to Afghani-steen.
Taking the fight to tourists is not the war on terror,
Prime Minister Bumbles makes another great error.
To hundreds of millions of people from St. John's to B.C.
"Canada is greater than no other", he once said with glee.
Prime Minister Bumbles wishes it would all go away,
Well, Prime Minister Bumbles, it's Normandy, not Norway!

●(1415)

CONSERVATIVE PARTY OF CANADA

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, we can now confirm that the Leader of the Opposition and his Conservative Party are firmly established in their own political fantasyland.

First, the party and its leader vet their MPs' speeches, limiting their freedom of speech, and now the Conservative Party has a secret non-accountable committee vetting policies for its convention. It is one thing to shut out the voice of its MPs, but to manipulate and to control the voice of the grassroots is horrible.

Just like in *The Wizard of Oz*, when the smoke clears and the curtain gets pulled back, we see the truth: that behind the pretence of a political process, the Conservative leader stands alone, pulling the policy strings in his grassroots party of one.

I am sure the Conservatives wish they had ruby slippers so they could take themselves back to a day when they could have their own opinions. Alas, Kansas is still at least one leadership race away.

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[Translation]

MARTIN GAGNÉ

Ms. Nicole Demers (Laval, BQ): Mr. Speaker, I wish to congratulate Martin Gagné on helping Canada win gold at the 9th NFL Global Junior Championship when Canada won against the United States 38 to 35.

He also won a spot on the all-tournament team as one of the best defensive linemen.

Fabreville's Martin Gagné played for Curé Antoine-Labelle high school. He was the number one draft pick in Quebec. It is just one more honour in a career that should continue with the Carabins at Université de Montréal or the Rouge et Or at Université Laval.

His strength of character and determination cannot help but be an inspiration to all young football players. I also want to congratulate all the Laval football associations for their excellent work with all their young players. Bravo, Martin Gagné.

ORAL QUESTION PERIOD

[English]

NATIONAL DEFENCE

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, the new chief of the defence staff has publicly complained about the lack of resources for our military. Now Colonel Pat Stogran, Canada's first commander in Afghanistan, has said that the government is watering down its infantry for lack of cash.

Canada's active military has been cut to the bone and we are not fulfilling our international obligations. The Prime Minister himself acknowledged that we do not have the troops.

Oral Questions

The government's promise to increase the military by 5,000 is a drop in the bucket. The money that will be needed for training and equipment is not there.

The Prime Minister's dithering is hurting our forces. Will there be a plan and the necessary funds to significantly increase our military capability in the budget?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, as we have spoken in the House before on this issue, it is not possible to predict what will be in the budget. However, if we look at the conduct of the government up until now, it is clear that the Prime Minister is committed to rebuilding our armed forces. We have a new chief of the defence staff who will be transforming and revolutionizing the way in which we approach Canada's role in the world and delivering on that.

I am confident that the finance minister will be giving us the resources this week in the budget. We will have a defence review which clearly lays out an active, proactive Canadian role in defence matters that will help the rest of the world.

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, the Liberal government has systematically dismantled the Canadian Forces over the last 12 years.

In fact, Colonel Stogran has also said that we cannot continue to dismantle our army to the lowest common denominator because of fiscal problems. Both Stogran and Hillier feel that the foundation of the army is cracking and we need new equipment, training and spare parts. Symbolically, last week we heard that the army is going barefoot in the barracks because of Liberal cuts.

The promises to repair the military are hollow. They are repeated year after year. I ask again, will the budget continue the Liberal trend of dismantling, dithering and delaying, or will we actually see a firm commitment—

The Speaker: The hon. Minister of National Defence.

Hon. Bill Graham (Minister of National Defence, Lib.): Absolutely, Mr. Speaker. As for being barefoot in the barracks, I think that party has nothing to say about that, given its policies which are totally bare of any content whatsoever in the House. We are all completely bare in the House when it comes to policies from the opposition.

The government is committed to rebuilding our forces. We will rebuild the Canadian Forces. We will rebuild the forces in an intelligent, focused and determined way, not by just jumping to reaction the way the opposition does on every small item that comes to its attention.

• (1420)

Mr. Peter MacKay (Central Nova, CPC): Mr. Speaker, in last year's budget there was a promise of \$300 million to purchase new search and rescue aircraft within 12 to 18 months. It did not happen. Now we know the project is stalled because of an overly complicated and convoluted procurement process.

In the meantime our search and rescue planes are only available about half of the time. Like the Sea Kings, the Buffalo and the Hercules are over 40 years old. It took 12 years of dithering by the government to finally make a decision to replace the Sea Kings. Too many lives depend on these aircraft.

How much more dithering can we expect from the government before we actually get new search and rescue helicopters?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, the question makes my point entirely. We have replaced the Sea Kings. We are in the process of replacing the Sea Kings. We have committed to getting the helicopters to replace the Sea Kings. It was the first thing I did when I became defence minister.

I think it is better for us to proceed in an intelligent, measured way to get what the armed forces need rather than just trying to play political football with the occasional problem that the opposition members on that side of the House are trying to find.

We are committed to rebuilding our Canadian Forces. We will do that in measured, determined and effective ways.

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Mr. Speaker, the government has been negotiating ballistic missile defence with the U.S. for five years.

Some months ago the minister said that a missile defence memorandum of understanding was forthcoming, yet here we are today and there is still no public document. The Liberals have truly brought dithering to a high art form. After five years the government must be aware of all the details.

Will the minister advise the House where his government stands on missile defence?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, we stand on missile defence exactly where the Prime Minister has made it clear to the House on many occasions. We will enter into an agreement with the United States if it is in the interest of Canada, if we ensure that we are not going in any way toward the weaponization of space, and that Canadian security interests and Canada's political interests are guaranteed.

We will not enter into any agreement which is not in our interest. The Prime Minister is committed to that and we will continue along that road.

Mr. Gordon O'Connor (Carleton—Mississippi Mills, CPC): Again, Mr. Speaker, we have baffle-gab.

Last month the Prime Minister mused that Canada would not pay anything for ballistic missile defence, although Canada wanted a say in decision making. This is simply incomprehensible. The Prime Minister expects Canadians to believe that the U.S. will allow Canada a seat at the table without investing in the program.

Would the minister tell us if Canada has been asked to pay a financial contribution and accept missiles or sensor systems on our soil?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I can tell the House that Canada has not been asked to make a financial contribution. We will not be accepting missile sites on our soil, something we have made very clear on many occasions before, in case it missed the attention of the opposition.

Oral Questions

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister was very clear on February 7 in this House. He said that Canada refused to send troops to Iraq in 2003 and the government's position has not changed. He stated: "Canadian troops will not be going to Iraq", yet the government's policy is not as cut and dried as the Prime Minister says it is. Since August, in fact, Canadian officers have regularly spent time in Baghdad.

Since Canadian military personnel have been sent to Iraq under this government, will the Prime Minister acknowledge that he has misled both this House and the general public?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, exactly the same question was asked last week. I answered it the same way. We have always had armed forces personnel within other institutions, either military or international. We participate through those institutions. We have a colonel in Iraq under the auspices of the UN.

Do people not want the UN in Iraq or us to help by contributing our expertise to what is being done by the UN or other international bodies such as NATO?

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, when the minister said that we have always had exchanges with such countries as the United States, that is not true. During the Vietnam War, since Canada was not at war with Vietnam, there were no such exchanges.

I have asked the question on several occasions and he has always sidestepped it. I am asking him to admit that, when Canada is not involved in a war with another country, there is no question of exchanges with that other country, the U.S. or the U.K., for instance. I am referring to exchanges with American troops. This did not happen in Vietnam and must not happen in Iraq.

• (1425)

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I can assure the leader of the Bloc Québécois that we are not, to the best of my knowledge, in Vietnam at this time.

I am not sure that historical parallels of this kind are valid. As everyone in this House is well aware, Canada respects its international commitments with its allies and with such international institutions as the United Nations and NATO. We will continue to respect these commitments, but it does not mean that we are going to send troops to train Iraqi forces in Iraq. That is what the Prime Minister has said.

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, the Canadian government has said repeatedly, including through the Prime Minister, that sending Canadian troops to Iraq was totally and utterly out of the question. That was clear. Everyone thought it was the truth.

Does the Minister of National Defence not think that the only way to respect the position that was always stated, the position of Canada, the position that was presented to our fellow citizens, is to immediately withdraw all Canadian troops currently in Iraq?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I totally reject this proposal. Canada has always fulfilled with its international obligations. Canada is respected because it

meets its international obligations. We are not in Iraq to train Iraqi troops. As the Prime Minister said, we are not going to send troops. However, we will always respect our commitments to the UN, NATO and our allies, as we have done in the past, and as we will continue to do in the future.

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, I want to put a question to the minister, to make sure that I understand him correctly. We want to know what Canada's position is. Can the minister assure us today, here in this House, that there are no Canadian soldiers currently deployed with American troops in Iraq? Are there some, or are there none?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, this is such a ridiculous question. Everyone knows the answer. Indeed, over the past two years, we have had exchanges with British and American troops. We respect our international commitments.

As I also said, we honour our commitment to the UN, NATO and other international institutions. We are pursuing our policy. This is not the same as saying we will be sending troops directly to Iraq. The Prime Minister said we would not do that, and we will not.

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[*English*]

THE ENVIRONMENT

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, my question is for the environment minister.

Tomorrow, Parliament will vote on the NDP motion on mandatory fuel efficiency standards for cars, but tomorrow the minister will join with the Conservatives and vote against mandatory fuel standards for cars, even though during the election the Prime Minister said that he was very favourable to NDP policies on the environment.

Our motion will make the air cleaner. Therefore why is he joining with the Conservatives to block this very good motion?

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, we share the same goals. The point is the means. The view of the Government of Canada is that a voluntary agreement, if it is well done, will give very good results. It is working in Europe, so why not in Canada? We will try to have a voluntary agreement with the auto industry and we will consider regulations only if this first step fails. However up until now there has been no reason to think that we will not have an agreement with the auto industry.

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, voluntary measures have already been shown to fail. In fact the government has a real problem delivering on the principles it claims to stand on. It throws money at health care with no plan to stop privatization. It throws money at child care with no plan for not for profit delivery. Now it has no plan on Kyoto.

Why is the government prepared to send money to Russia to buy credits instead of working at home to make our air cleaner by delivering on mandatory standards for fuel emissions? Why will he not do that?

Oral Questions

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, I heard recently that the NDP thinks I did not consult them. I met daily with my NDP colleagues. I tried to meet the leader last week but he was unable to do so for unfortunate reasons.

I read their plan very carefully. In their plan it is written that it is good to have international trading because it maximizes Canadian benefits by promoting Canadian development technologies. I have read more of that document than they have.

* * *

• (1430)

CANADIAN FORCES

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, it appears that Mr. Dithers has now passed on his flaws in the form of a dithering virus to the Minister of National Defence. The minister shows all the symptoms of dithering with respect to his rewriting of a defence policy review and seems content to operate the military from a 1994 white paper.

Will the minister admit that this dithering has left the forces lacking direction and shortchanged in the upcoming budget?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, certainly not. What I will tell the House is that I am very proud of the defence review that we have prepared and that we will be releasing shortly.

We guarantee the hon. member and those of his party opposite that with a new Chief of the Defence Staff, with commitments in this budget and a way in which we see ourselves going forward, I hope I get the support of the Conservative Party to make the Canadian Forces the best forces in the world, to do good around this world.

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, our military has made it very clear that they are in dire need of a new airlift, new ships and new vehicles. The government, over the last 11 years, has watched our military disintegrate before its very eyes. The Chief of the Defence Staff has made it known that the forces cannot wait any longer and must begin the replacement of their aging equipment immediately.

Could the minister assure the House that he agrees that the Canadian Forces require far more than the \$750 million in new funding in the upcoming budget?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, one thing I can be astonished by is obviously the clairvoyance of the hon. member who knows more about what is in the upcoming budget than either myself or maybe even the Minister of Finance at this particular moment.

I can assure the hon. member that whatever the number is in the budget, it will be a commitment of this government to transform, rebuild and make our forces the best and most capable forces to defend Canada, participate in the defence of North America and go out into the world to make it a safer world for Canadians and all peoples.

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

Ms. Belinda Stronach (Newmarket—Aurora, CPC): Mr. Speaker, my question is for the Prime Minister.

Why did the Prime Minister suddenly lose his love of consultation when it came to breaking apart the Department of Foreign Affairs and International Trade?

With all due respect to the Prime Minister, a little dithering here would have been most appreciated. Who did the Prime Minister consult with and when? What happened?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, I am so glad to have this question. It gives me a chance to say before this House what I would have had the chance to say before the committee at second reading, when I and the Minister of Foreign Affairs could have spoken and all the witnesses could have come forward to talk about the virtue and the value of having the focus on international trade and investment that a stand alone department could bring. I wish the opposition had given us that opportunity.

Ms. Belinda Stronach (Newmarket—Aurora, CPC): Mr. Speaker, it is the Prime Minister's job to explain it, not our job to rubber stamp it.

The U.S. has reached free trade agreements with Chile, Singapore, Australia, Bahrain, Central America, Dominican Republic and Morocco, and is in hot pursuit of three more.

In the past few years the number of free trade agreements reached by Canada is none. With no international policy review we have no idea what the government's trade priorities are.

The U.S. continues to plough forward, but our Prime Minister tinkers and dithers.

Why has this government failed to keep up with the U.S. in expanding international trade?

Hon. Jim Peterson (Minister of International Trade, Lib.): Mr. Speaker, if the hon. member would remember what we talked about when I appeared before the committee on estimates, we did talk about a number of bilateral trade policies that we were undertaking, including with Japan, Korea, the AFTA, the CARICOM, the CA4 and Mercosur in order to restart the trade agreements of the FTAA.

We are engaged in China in terms of a foreign investment protection act. We are engaged with India.

If the member had listened when she was at committee she would realize what we are doing.

* * *

[Translation]

NATIONAL DEFENCE

Ms. Monique Guay (Rivière-du-Nord, BQ): Mr. Speaker, top commanders in the U.S. army are not discounting the possibility that the American missile defence shield could be used to destroy satellites or spacecraft, in defending American territory.

Does the Minister of National Defence not agree that this is in complete opposition to statements by the Minister of Foreign Affairs that Canada would never participate in the weaponization of space?

• (1435)

Hon. Bill Graham (Minister of National Defence, Lib.): Absolutely not, Mr. Speaker. The Prime Minister, the Minister of Foreign Affairs and I have always been extremely clear: our commitment to talking with the Americans about a missile defence shield has nothing to do with the weaponization of space.

Some voices in the United States claim that, someday, perhaps, this country may want to participate in the weaponization of space. That has nothing to do with this shield. Canadians will refuse utterly to take part in it.

Ms. Monique Guay (Rivière-du-Nord, BQ): Mr. Speaker, the Prime Minister has always stated that, in the absence of a written guarantee that there would be no weaponization of space, Canada would not take part in the missile defence shield.

Since the information obtained is completely contrary to the written guarantees he was seeking, should the Prime Minister not take advantage of the NATO summit to clearly state that Canada will not take part in the American missile defence shield?

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I am sure that, when the Prime Minister meets with Mr. Bush, he will tell him again what he told him here in Ottawa and in Washington. I was present on both occasions. He said that Canada strongly opposed the weaponization of space. We will do everything we can, within all international institutions, to prevent a war or the weaponization of space. We believe that it is contrary to the interests of the entire world and we will never abandon this important Canadian policy.

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EMPLOYMENT INSURANCE

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, according to the Sans-Chemise, the rumoured improvements the federal government intends to make to employment insurance will still leave us with the problem of the spring gap linked with seasonal work.

Does the government realize that piecemeal changes are doomed to failure and that what is needed to fix EI is a complete overhaul, as recommended by the Standing Committee on Human Resources, Skills Development, Social Development and the Status of Persons with Disabilities?

[English]

Hon. Peter Adams (Parliamentary Secretary to the Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, the government is seriously considering all three reports that it has received from committees on employment insurance. It is looking at the reform of EI in a most serious fashion and will respond to all the items in those reports at the appropriate time.

[Translation]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Mr. Speaker, that is funny. The government has been giving us this same type of response for three years now.

Oral Questions

Nonetheless, if the government truly wants to improve the EI system and truly include seasonal workers, will it promise to lower the eligibility threshold, extend benefits by at least five weeks, increase benefits and base the calculation of these benefits on the best 12 weeks?

Unless it does so, its reform is nothing more than a quick fix.

[English]

Hon. Peter Adams (Parliamentary Secretary to the Minister of Human Resources and Skills Development, Lib.): Mr. Speaker, all of the aspects of EI that my colleague has mentioned are dealt with in the reports, in particular, with the report that was received within the last 10 days or 2 weeks. The government has 150 days to respond to those reports. The Liberal members on the committee concerned worked very hard on them and the government will respond very favourably to changes in EI.

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THE ENVIRONMENT

Mr. Bob Mills (Red Deer, CPC): Mr. Speaker, the closer we get to the budget the more we realize that the government has been dithering for years on a plan for Kyoto. We do know, however, that the Liberals want to spend up to \$6 billion on this non-plan.

How can those ditherers include any Kyoto spending when in fact they do not have any plan?

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, the member for Central Nova challenged me last Friday to table the 2002 plan. He was questioning the existence of this plan. I gave him a copy of the plan. It was released 2 years and 58 days ago. They took all this time to read the document and they want to give us lessons about a timely fashion. It is the slowest party I have ever seen.

• (1440)

Mr. Bob Mills (Red Deer, CPC): Mr. Speaker, the Prime Minister said that this plan was inadequate and lacking, and now we see this 2002 plan being held up as some kind of a plan. It is not. The Liberals have no intention of living up to the Kyoto targets. This in fact is just a job killing tax.

How can those ditherers expect to buy carbon credits somewhere else in the world and how will they monitor that when they cannot monitor the projects here at home?

Some hon. members: Oh, oh!

The Speaker: Perhaps before the minister gets under way, we might have a little order. There seems to be a lot of people trying to help. I do not know who the yells were intended to help, whether it was to give the minister clues for his answer or correct the member who was asking the question, but there is a lot of unnecessary noise. We need to be able to hear the Minister of the Environment, who now has the floor.

Hon. Stéphane Dion (Minister of the Environment, Lib.): Mr. Speaker, let me read a paragraph from the 2002 plan that the member did not even know existed. It reads:

Oral Questions

By necessity, the Plan will need to evolve over time. As new ideas emerge, new technologies are developed and better approaches suggested, we must be flexible enough to shift our resources from less effective actions to those with more potential to deliver emissions reductions.

That is what the 2002 plan said. It is where we are now. It is why we will have an improved plan. Why is it so difficult to understand that?

* * *

TAXATION

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, did you ever notice that there is never a tranquilizer gun around when you need one?

According to the Fraser Institute, a single person in Ontario with a taxable income of \$35,000 a year pays \$17,175 in taxes. That is an average tax rate of 49%.

Given this punishing record, why did the Prime Minister tell us last fall that lowering taxes will be his lowest priority in the upcoming budget?

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, as members well know, the Government of Canada over the last number of years has instituted a significant reduction in tax revenues, while over the past five years something in the order of \$100 billion. We have also simultaneously put the public pension system on a fiscally sustainable basis through to the year 2075.

Unlike America, where it is facing incredible deficits and a fiscally unsustainable system, we, on the other hand, are in a very favourable position vis-à-vis almost any other country.

Mr. Monte Solberg (Medicine Hat, CPC): Mr. Speaker, I am concerned about the deficits that Canadians are facing right now. Many Canadians are facing bankruptcy, half of their income goes to taxes, and many of them are without jobs. That is what we are concerned about.

The government campaigned against tax relief. The government then reluctantly committed to some tax reductions in the throne speech after we twisted its arm. This fall the government reversed its position and said it is a very low priority. Enough of the dithering over there.

When will the government reverse its stand and finally give a break to low and middle income Canadians, or are we going to get another dithering answer right now?

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, in the last seven years the Government of Canada has run surpluses, unlike any other nation in the OECD. Many other nations in the OECD run an average deficit of 0.4% of revenues.

Unlike members opposite, we take the view that we have to run a balanced program. We cannot tax cut our way to nirvana. A balanced budget is a little like going to heaven; everybody wants to be there, but nobody wants to do the hard work to get there.

RESEARCH AND DEVELOPMENT

Mr. Brent St. Denis (Algoma—Manitoulin—Kapuskasing, Lib.): Mr. Speaker, my question is for the Minister of Industry.

In recent days the valuable work of foundations, such as the Canada Foundation for Innovation, has been maligned by some members opposite who do not seem to understand the importance of their valuable work in support of research in Canada.

Would the minister inform the House about the value of the work being done by the Canada Foundation for Innovation, and whether this work is supported by the research community across Canada?

Hon. David Emerson (Minister of Industry, Lib.): Mr. Speaker, the Canada Foundation for Innovation is one of the foundations that has been set up to provide predictable and stable funding for research in Canada. The research is evaluated on the basis of merit and peer review. There has been something like \$4 billion put out to research. We have attracted 1,889 new researchers to Canada.

I quote from the president of the University of Saskatchewan who said:

—CFI's support for research infrastructure has been a critical element of Canada's success in research in recent years.

* * *

• (1445)

HEALTH

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, my question is for the Minister of Health.

During the election the Prime Minister promised he would defend medicare. He said he opposed credit card medicine, but we have credit card surgery in B.C., credit card hospitals in Alberta, credit card home care in Ontario, and credit card MRIs in Nova Scotia. Patients are now paying a doctor in Quebec to jump the queue.

What is the health minister going to do about it?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, as I have said before, we will be providing over \$41 billion to the provinces over the next 10 years. This is the party that stands for public health care and public delivery. We shall enforce the Canada Health Act, without exception, right across the country. We are in the process of doing that.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Mr. Speaker, that answer is just not good enough. It was not good enough on Friday and it is not good enough today.

Our “see no evil, hear no evil” health minister would not be able to stop a private clinic operating out of his own living room. The minister has said many times that he plans on dealing with the creeping privatization.

The question is when? When will the minister shut down these private clinics?

Hon. Ujjal Dosanjh (Minister of Health, Lib.): Mr. Speaker, just watch me enforce the Canada Health Act right across the country.

*Oral Questions***TAXATION**

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, Canadian manufacturers and exporters have called for changes to the capital cost allowance rates which deal with how companies can write off their capital investments. They want these taxes to be treated the same way in Canada as they are in the United States to ensure that our manufacturing sector is on a level playing field with its competitors and trading partners.

I would like to ask the Minister of Industry a very simple question. Does he support these changes?

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, the tax system in this country is based upon the economic useful life of assets, and they are depreciated according to those schedules. We are not in the business of competing with the United States, which has an accelerated rate of depreciation, unless and until we are in situations where we have a competitive tax rate as we do now. We have a tax advantage vis-à-vis most states in the United States and we intend to keep that tax advantage.

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, that is quite a telling comment: we are not in competition with the Americans. Exactly. That is the problem. Their rates are better than ours. In fact, we are competing with them on a daily basis. That is why they need to be changed.

In addition, it is not only manufacturers that are calling for these changes, it is also people concerned about the environment because upgrading equipment and manufacturing processes is beneficial to the environment as well. Newer equipment is more efficient and more environmentally friendly.

I would like to ask the environment minister, does he support these types of changes, to allow the inclusion of more environmentally friendly technologies in Canada?

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, the depreciation schedules are set according to the useful life of the asset. Any departure from the useful life of the asset has to be for a specific public policy reason.

We compete on a global basis. Our depreciation schedules are set on a global basis and they are very competitive. As a consequence, Canada's companies in the world and vis-à-vis the United States are doing very well.

* * *

JUSTICE

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, despite the government's empty promise to implement the zero tolerance policy, drunk driving diplomats are immune from criminal prosecution in this country. In the past three years, eight diplomats charged with drinking and driving have received driving suspensions rather than the appropriate criminal sanction.

My question is for the Minister of Foreign Affairs or the Minister of Justice. Why is diplomatic immunity continuing to jeopardize Canadians' safety and security, and why is diplomatic immunity trumping our justice system?

Hon. Dan McTeague (Parliamentary Secretary to the Minister of Foreign Affairs, Lib.): Mr. Speaker, the policy is one of zero tolerance. The department will suspend a diplomat's driving privileges on the basis of a police report, certainly when it deals with a first offence. This is a reciprocal approach as well. We hope the same happens in other countries. Canada is one of the first that does this, by the way.

* * *

● (1450)

NATIONAL SECURITY

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, in response to a question last April, the Minister of Public Safety and Emergency Preparedness indignantly dismissed my request to expand the CSIS mandate to operate overseas.

Now, in the wake of revelations that threats of terrorism are worse than before 9/11, the minister is trying to convince us that she has always wanted to broaden the CSIS mandate.

Why the about-face?

Hon. Anne McLellan (Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, Lib.): Mr. Speaker, there is no about-face. The government, including myself, has always talked about the importance of foreign security intelligence gathering. In fact, intelligence is the lifeblood of keeping a country and its people safe and secure. We will continue to monitor, we will collect the right kinds of foreign security intelligence, and we will work sufficiently cooperatively with our allies, in terms of sharing foreign security intelligence information which we collect.

All of this, in our shared—

The Speaker: The hon. member for Terrebonne—Blainville.

* * *

[Translation]

INTERNATIONAL AID

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, the Prime Minister is rushing out of the country to show how generous Canada is. Still, the reality is that the level of international aid, far from increasing, is stagnating. Moreover, in 2002-03, Canada ranked 12th among OECD countries, having slipped from sixth place seven years previously.

Faced with such devastating figures, can the government deny that, ever since the Liberals came to power, Canada has been slowly and continuously withdrawing from foreign aid?

[English]

Hon. Aileen Carroll (Minister of International Cooperation, Lib.): Mr. Speaker, the government has committed to increase international assistance by 8% each year which will double our budget by the year 2010.

We have done extraordinarily well in showing leadership to the entire HIV-AIDS pandemic; \$100 million to the World Health Organization's 3 by 5. James Morris, who is the head of the World Food Program, said:

Oral Questions

Canada is one of our best friends, an incredibly generous country in terms of looking at these tough humanitarian issues.

He called the Canadian International Development Agency a national treasure.

[Translation]

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, it is hard to believe the minister's words, because if things continue in the same way they are going now, by 2009 Canada's international aid will only amount to 32 one-hundredths of 1% of the GDP.

Is the government aware that this figure does not even represent one half of the UN target for 2015?

[English]

Hon. Aileen Carroll (Minister of International Cooperation, Lib.): Mr. Speaker, I appreciate those norms that are set as international guidelines, but I also think that one of the norms expected of me is an effective delivery of aid. It is not just all about quantity. In that regard, I would ask the hon. member to consider all of the improvements and standards that this agency has achieved.

I would note, as she listens and follows the outpouring of the international policy statement, the intention for far greater coherency and focus at my department. Effectiveness will increase and so will the total amount given to the aid budget.

* * *

EQUALIZATION PROGRAM

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Mr. Speaker, last Friday several Conservative MPs, myself included, met with Premier Lorne Calvert and other political leaders from Saskatchewan.

During that meeting we were all united in calling for the elimination of oil and gas revenues from the equalization formula, but the government, and the finance minister continue to ignore and betray the people of Saskatchewan.

Would the Minister of Finance stand today, do what is right and fair, and commit to ending the non-renewable resources in the equalization program?

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, Saskatchewan has had the happy circumstance of graduating from a have not province to a have province, in part through the good efforts of the finance minister who recently negotiated on behalf of Saskatchewan, a \$710 million top up to the equalization program.

That along with the revenues that have been generated from the oil resources have put Saskatchewan in a happy situation. In fact, Saskatchewan's unemployment rate is below that of Ontario's.

• (1455)

Mr. Jeremy Harrison (Desnethé—Missinippi—Churchill River, CPC): Mr. Speaker, last Friday a united front of Saskatchewan political leaders, including the premier and seven Saskatchewan Conservative MPs met to discuss the shabby treatment given to Saskatchewan by the Prime Minister and the Liberal government.

With the exception of the finance minister, my province is united in demanding a fair equalization deal. Unfortunately, the Prime Minister will not even agree to meet with the premier.

When will the Prime Minister stop dithering, show some respect for Saskatchewan, and commit to a fair equalization deal for the province?

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, the premiers met last September and negotiated an equalization program. Included in the equalization program was a two year period where the equalization calculations would be left as is based upon a panel being struck and negotiating different terms through the equalization.

Meanwhile, Saskatchewan lives in a very good situation. Its debt to GDP is something in the order of 25% while the federal government's is just a touch over 40% debt to GDP.

* * *

[Translation]

SOCIAL DEVELOPMENT

Ms. Françoise Boivin (Gatineau, Lib.): Mr. Speaker, today the Minister of Social Development signed a social development agreement with the Republic of Estonia. I understand that such agreements benefit Canadians by enabling them to receive pensions as a result of periods they have lived or worked in other countries. I also understand that these agreements enhance Canadian competitiveness abroad.

Can the Minister of Social Development tell me who will benefit from this agreement?

[English]

Hon. Ken Dryden (Minister of Social Development, Lib.): Mr. Speaker, today we are very pleased to have signed a social security agreement with the Republic of Estonia. There are about 23,000 persons of Estonian descent in Canada, many of whom will qualify for pensions as a result of the agreement.

The agreement will help enable those who have lived or worked in either of the two countries to receive old age, disability and survivor pensions, recognizing the contributions they have made and telling them that their work is valued and respected.

* * *

HOUSING

Mr. Dave Batters (Palliser, CPC): Mr. Speaker, the Canada Mortgage and Housing Corporation has a \$2.4 billion surplus, another Liberal slush fund.

CMHC charges home buyers an insurance premium if they cannot make a 25% down payment. Home buyers are charged as much as 3.75% of the value of their mortgage. This can amount to thousands of dollars that each of these home buyers has to pay.

Given this massive \$2.4 billion surplus, will the minister commit to giving home buyers a much needed break by reducing CMHC premiums?

Oral Questions

Hon. Judi Longfield (Parliamentary Secretary to the Minister of Labour and Housing, Lib.): Mr. Speaker, the member would know that the minister is currently looking at a number of flexibilities, and he will be happy to report on the outcome of his discussions when he returns.

* * *

FISHERIES

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): Mr. Speaker, the Department of Fisheries and Oceans is the federal agency responsible for the management and conservation of wild salmon and trout stock in Atlantic Canada. Instead of reacting to the declining stock by reducing catches and closing rivers, why is DFO not trying to prevent the decline by trying to find out what caused the decline in the first place?

Hon. Shawn Murphy (Parliamentary Secretary to the Minister of Fisheries and Oceans, Lib.): Mr. Speaker, this is a serious issue in all Atlantic Canadian provinces involving the salmon runs. Again, the government has been working very closely with the Atlantic Salmon Federation. It requires further study, further enforcement and further science. We will see some positive developments in the very near future.

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[Translation]

IMMIGRATION

Ms. Meili Faille (Vaudreuil-Soulanges, BQ): Mr. Speaker, last week, the Parliamentary Secretary to the Minister of Citizenship and Immigration told us that the case of Mohamed Cherfi was following its course. In *Le Soleil* a spokesperson for the department said that nothing would be done, while another source reported that the file is being studied and a decision is imminent.

Can the Minister of Citizenship and Immigration be clear with us and reveal his true intentions with respect to Mohamed Cherfi?

● (1500)

[English]

Hon. Joseph Volpe (Minister of Citizenship and Immigration, Lib.): Mr. Speaker, as I indicated at an earlier time, this is a personal individual case, and I will not comment on the floor of the House on a private matter. The issue has already gone through the courts of the Canadian system and it is before the American system. We will not intervene in the affairs of another country.

When an application comes before us, we will deal with it as is appropriate for that application.

* * *

POVERTY

Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.): Mr. Speaker, my question is for the Minister of International Cooperation.

Canadians, as a government and as a nation, have shown remarkable generosity and compassion in the wake of the tsunami that hit Asia two months ago. Unfortunately, we know that many parts of the world suffer less spectacular but more chronic forms of

poverty, disease and famine. Poverty itself is the root cause of incredible misfortune throughout the developing world.

Could the minister tell us what Canada will do to address this inequity and injustice?

Hon. Aileen Carroll (Minister of International Cooperation, Lib.): Mr. Speaker, I would agree that global poverty is indeed the challenge of our time. I do not think we can leave to future generations the challenge of 40 million children going to bed hungry, of living in a world where the average life expectancy is not even 40.

We need to understand in the House that the government and the country is committed to the millennium development goals. The best thing I could say is to quote Nelson Mandela's comment, "We must make poverty history".

* * *

INSURANCE INDUSTRY

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, insurance companies are raking in record profits while gouging consumers with record high premiums. Like Liberals, insurance companies are swimming in surpluses while Canadians struggle to make ends meet.

Is the government prepared to review what is happening and to rein in the industry, or is this just another cash cow for its corporate friends?

Hon. John McKay (Parliamentary Secretary to the Minister of Finance, Lib.): Mr. Speaker, the hon. member's question fails to understand jurisdictional allocation.

The Government of Canada ensures that every insurance company in Canada has sufficient reserves to cover their liabilities. That is the nature and extent of the Government of Canada's responsibility, vis-à-vis insurance companies.

Any regulation is entirely set by provincial jurisdiction.

* * *

REVENUE CANADA

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, last week we learned that Revenue Canada had been breaking its own procurement rules over 60% of the time.

Why would we be surprised? The first thing the revenue minister did when he was appointed was to break all the Treasury Board rules and hire his crony buddies. We are still waiting for the receipts from the former Liberal patronage master, André Ouellet. There are no rules for him either.

The fact of the matter is, do as I say, not as I do just does not cut it as a management style and does not create the right tone at the top.

When will the minister realize that it cannot enforce the rules in the department when it breaks them itself?

Routine Proceedings

Hon. John McCallum (Minister of National Revenue, Lib.): Mr. Speaker, without accepting a single one of those premises, may I assure the member that the audit to which he refers was a self-inflicted audit. Some might say it was a little masochistic, but the agency took it upon itself to audit itself. It found some things where improvements could be made. Those are being done, and there will be another audit to follow through.

* * *

PRESENCE IN GALLERY

The Speaker: I wish to draw the attention of hon. members to the presence in the gallery of the Hon. Richard Hurburt, Minister of Natural Resources of Nova Scotia.

Some hon. members: Hear, hear!

ROUTINE PROCEEDINGS

● (1505)

*[English]***CERTIFICATES OF NOMINATION**

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I have the honour pursuant to Standing Order 110(2) to table two certificates of nomination.

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ORDER IN COUNCIL APPOINTMENTS

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I would also like to table a number of orders in council recently made by the government.

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COMMITTEES OF THE HOUSE

TRANSPORT

Hon. Roger Gallaway (Sarnia—Lambton, Lib.): Mr. Speaker, I have the honour to present, in both official languages, the third report of the Standing Committee on Transport. Your committee conducted a number of hearings on the proposed disposal of the federal grain hopper car fleet. We heard testimony from officials of the Department of Transport and from several stakeholders. The committee has formulated some recommendations to the government on this issue.

The report I am presenting is not unanimous. It does have two dissenting opinions.

I take this opportunity to thank all members of the committee on both sides of the House for their diligence and also the committee staff for their work.

PETITIONS

MARRIAGE

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, I present a petition signed by quite a number of people from Ontario and Manitoba. To sum it up, these fine folk are asking for the defence of traditional marriage as the bond between one man and one woman. It is a serious moral good they say. The petitioners allege that the recent rulings of the appeal courts of Ontario and British Columbia redefining marriage to include same sex partners destroys traditional marriage in law and it also endangers Canada's social stability.

They call upon Parliament to take the necessary steps to maintain the current definition of marriage in law in perpetuity and to prevent any court from overturning that in the future as well.

AUTISM

Mr. Marc Godbout (Ottawa—Orléans, Lib.): Mr. Speaker, I am pleased to table today a petition from the citizens of Ottawa region asking that the Canada Health Act be amended to include IBI/ABA therapy for children with autism as a medically necessary treatment and requiring all provinces to provide funding for this essential treatment so people with autism can be helped.

MARRIAGE

Mrs. Cheryl Gallant (Renfrew—Nipissing—Pembroke, CPC): Mr. Speaker, the petitioners say that since marriage is the best foundation for society for families and for the raising of children and that the definition of marriage is being challenged, they recognize that it is up to Parliament to uphold the traditional definition of marriage. They ask that Parliament enact a federal law that marriage is the union of one man and one woman to the exclusion of all others.

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, I rise today to present a petition from residents of Langley and the Fraser Valley who are strongly opposed to any legislation that would in any way change the traditional definition of marriage.

AUTISM

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, I also present a petition from residents of Langley, Surrey and Abbotsford.

The petitioners ask that the Canada Health Act be amended to include IBI/ABA as an essential treatment for autism and that university academic chairs be appointed at each university to teach autism treatment.

FOREIGN AFFAIRS

Mr. Rob Anders (Calgary West, CPC): Mr. Speaker, I would like to present a petition on behalf of the Canadian Coalition for Democracies. The group's goal is to encourage the spread of democracy and democratic values. They think Canadian foreign policy should support democratic nations like Israel, India, Taiwan and the United States.

● (1510)

MARRIAGE

Mr. Rob Anders (Calgary West, CPC): Mr. Speaker, I also present petitions on behalf of many constituents who support the traditional definition of marriage because it just works so well.

*Government Orders***Some hon. members:** Agreed.

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Mr. Speaker, it is a privilege for me to present a large number of petitions with thousands of names of Canadians from coast to coast. They are very concerned about the issue that is presently being debated in the House.

The petitioners state that because the majority of Canadians believe that fundamental matters of social policy should be decided by elected members of Parliament, not the unelected judiciary, and that also the majority of Canadians support the current legal definition of marriage as a voluntary union of a single unmarried man and a single female, that Parliament should ensure that marriage is defined as Canadians wish it to be defined.

They petition Parliament to use all possible legislative and administrative measures, including invoking section 33 of the charter if necessary, to preserve and protect the current definition of marriage as between one man and one woman.

Mr. Jay Hill (Prince George—Peace River, CPC): Mr. Speaker, it is indeed a pleasure for me to present yet another petition on Bill C-38, which is receiving its second full day of debate.

These petitioners from my riding of Prince George—Peace River, specifically from the city of Fort St. John and the smaller communities of Taylor, Baldonnel and Charlie Lake wish to draw to the attention of the House that marriage is the best foundation for families and for the raising of children, and that this House did indeed pass a motion in June 1999 which called for marriage to continue to be recognized as the union of one man and one woman to the exclusion of all others.

Therefore, the petitioners call upon Parliament to pass legislation to recognize the institution of marriage in federal law as being the lifelong union of one man and one woman to the exclusion of all others.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present a petition also on the subject of the definition of marriage.

The petitioners, who are from my riding and from other parts of Canada, wish to draw to the attention of the House that the majority of Canadians do believe that the fundamental matters of social policy should be decided by elected parliamentarians and not by unelected judges, and that the majority of Canadians support the traditional definition of marriage.

Therefore, the petitioners call upon Parliament to use all legislative and administrative measures possible, including the invocation of section 33 of the charter, also known as the notwithstanding clause, if necessary, to preserve and protect the current definition of marriage as between one man and one woman to the exclusion of all others.

* * *

[Translation]

QUESTIONS ON THE ORDER PAPER

Hon. Dominic LeBlanc (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I ask that all questions be allowed to stand.

The Speaker: Is that agreed?

GOVERNMENT ORDERS

[English]

CIVIL MARRIAGE ACT

The House resumed consideration of the motion that Bill C-38, an act respecting certain aspects of legal capacity for marriage for civil purposes, be read the second time and referred to a committee, and of the amendment.

The Speaker: Before question period, the hon. member for London—Fanshawe had the floor. He has six minutes remaining in the time allotted for his remarks with, of course, 10 minutes for questions and comments to follow.

Mr. Pat O'Brien (London—Fanshawe, Lib.): Mr. Speaker, in my nearly 12 years here this is the first time that I was speaking just before question period and had to conclude my remarks following question period. Given that, I will take the opportunity to reiterate a couple of the key points I tried to make in my earlier comments.

First of all, I quoted judgments by two judges, one from B.C. and one from Quebec, who ruled in favour of the heterosexual requirement for marriage. I addressed the false analogy that so many people draw between the women's rights movement and the black civil rights movement and the attempt to equate them to same sex marriage. That is a patently false analogy. It is only through a misreading of history and specious logic that someone could come up with such a conclusion. Many women in Canada and black people, including personal friends whom I know very well, find that highly insulting.

I quoted three gay or lesbian people who gave very eloquent testimony against changing the definition of marriage and who spoke directly to the deleterious effects that such a move would have. Harvard University Professor William Eskridge, John McKellar here in Canada, and lesbian theorist Ladelle McWhorter all spoke eloquently and persuasively against changing the definition of marriage. They spoke directly to the negative consequences that would quite likely flow from such a ridiculous course of action.

I took on the human rights argument that is central to the position of so many of the people who are proponents of this. I noted that proponents of same sex marriage cannot point to a single national or international judgment that same sex marriage is a human right. They cannot point to a single one. They can point to several lower court decisions in this country, but they cannot point to the Supreme Court of Canada speaking to question four because it deliberately did not speak to question four on the constitutionality of the definition of marriage as we know it.

The Prime Minister further stated that we cannot return to the past, that is, retain the traditional definition of marriage, with a simple snap of the fingers. Recall that incredibly it was a simple snap of the legal fingers of three judges in Ontario that instantly redefined marriage in June 2003. This shockingly arrogant ruling is an insult to the people and Parliament of Canada.

Government Orders

At that time as I served on the justice committee I called for this ruling to be appealed by the federal government. The failure to do so is clearly the reason the Supreme Court refused to address itself to the constitutionality of the traditional definition of marriage, which as I noted is question four in the reference to the court. At that time, June 2003, the justice committee hearings were reduced to a pathetic farce. That time should be recorded as one of the most disgraceful and duplicitous moments in the history of our parliamentary deliberations as a nation. It was also the quintessence of judicial activism at its worst.

I again call on the Prime Minister to extend to all Liberal members of Parliament, including cabinet ministers, a free vote of conscience. This is not a mundane piece of legislation. It is one of the most important decisions any Canadian Parliament has made or will make. It offends the core moral beliefs of many MPs, including ministers. All members should be free to vote their conscience without coercion or penalty.

As I close, let me say that for me there is a higher truth and a greater judge than any we will find in the courts of Canada or any earthly court. Our courts do not have a monopoly on truth. Our charter, though important, is not sacrosanct. The government, pushed by the courts, is making a very serious mistake in a reckless and headlong rush to redefine marriage to the point that in Canada the word could become virtually meaningless.

• (1515)

This court driven radical experiment in social engineering could have incalculable negative long term effects on marriage and the family to the detriment of Canadian society. For me, this is an issue much more important than mere party politics. It goes directly to the heart of who I am and what I believe.

While all persons no matter what their sexual orientation deserve to be treated with dignity and respect, that does not mean we must imperil the future of true marriage so as to satisfy the illogical and immoral demand for same sex marriage.

The eyes of the nation are on us as we engage in this important debate. I believe the eyes of our ancestors and our dear deceased loved ones are also on us at this historic time. The real question is, will we betray the precious legacy of marriage and the family that they left us? Will we so easily and carelessly discard that precious legacy so as to reconstruct marriage into something it was never meant to be? I answer, no. And so here I stand to bear witness to the truth about marriage.

Therefore, I cannot vote for this legislation in good conscience. I will vote against this legislation. I feel compelled to do all I can to defeat Bill C-38.

As I close, let me say that this is an emotional and difficult issue for many Canadians, including me and my family. I want to express my gratitude to the many people who have offered me their support and prayers as, in cooperation with so many others, I have attempted to defend the traditional definition of marriage. I especially thank my wife, Evelyn, for her unwavering encouragement and steadfast love.

• (1520)

Mr. Kevin Sorenson (Crowfoot, CPC): Mr. Speaker, I had the opportunity of serving with the member on the justice committee

when we studied the question that was put by the justice minister to our committee regarding same sex marriage and the definition of marriage. I appreciated the time I was able to work with him.

I listened with some interest to his concerns in his speech. He spoke about a free vote. Certainly in this party we are given a free vote. In fact, the people of Crowfoot, whom I represent, have made it very clear that they want me to represent their wishes on these questions of social experimentation and social policy in our country. I appreciate that he himself on the other side called on his very own government to offer the same ability of members of Parliament to represent their constituents.

I have some grave concerns with some of the religious freedom aspects of what the bill may bring forward. Promises from the government to defend religious freedom I do not believe can be trusted.

In 1999 the Prime Minister also promised to use “all necessary means” to defend the traditional definition of marriage. At the time, the Deputy Prime Minister stated, “The government has no intention of changing the definition of marriage or legislating same sex marriage”.

Quite simply, I think that the government on some of these issues cannot be trusted. The record shows it blatantly violated these promises.

The member brought up the question of religious freedom. When we bring that up, the government responds by saying that it would want to enshrine that no church, no priest, no preacher, should ever be forced to conduct a ceremony for same sex couples. I wonder if the member could enlarge on that. Perhaps the church would not be forced to conduct a same sex marriage, but does it go beyond that?

There are certain churches in our constituencies that offer marriage counselling. They sent out brochures to their communities and invite all married couples to come to the church for marriage counselling seminars on the weekends. Some of those churches have wondered if, for example, same sex couples were to show up to prove a point, what would they do? Some have said that they would be concerned if they denied them the right to come to these seminars, that they would be hauled before the courts. Would they have to defend their actions in some court? With a great deal of reservation and hesitancy, they are even now concerned about what they can put forward as far as “ministries” of their local church.

It may not only be the marriage ceremony; so many other things may play into religious freedom. I wonder if the member, whom I respect, could enlarge on that. Does he see the same concerns coming from the government side? Does he believe that those things could happen?

Mr. Pat O'Brien: Mr. Speaker, I too recall fondly the hearings we participated in, except for the farcical way in which they were ended with the pre-emption of the committee report by the incredibly arrogant ruling of three Ontario judges, who, with a snap of the fingers, instantly redefined marriage. It was shockingly arrogant.

Government Orders

I will tell my colleague that I certainly do share the concerns about the so-called guarantees of religious freedom. Let me be clear, though, that religious leaders in Canada have been very clear about the fact that even if so-called guarantees are airtight they have every right to speak out in this debate. As for this nonsense about the separation of church and state, I do not know who dreamed that up, but they need to read some Canadian history. That does not preclude people who have religious values or who are religious leaders from having their say in this debate.

On the question of the guarantees, I would not be very reassured if I were a religious official in this country. First of all, the court indicated that it is largely a provincial jurisdiction and that the federal government cannot in fact have jurisdiction in that area.

We have already seen the move against what is termed “abuse of facilities” in regard to the Knights of Columbus hall. The Knights of Columbus is a Catholic men's organization. I am proud to say that I am a member of that organization. There is already an attempt to insist that its facilities be made available for a celebration of a same sex wedding or at least be involved in that ceremony.

Here is what I think, given the track record of the courts in this country over the last number of years. We heard this at committee, as my colleague will remember. In case after case after case, when religious freedoms clashed with so-called gay rights, the courts in this country caved in to the gay rights lobby.

• (1525)

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I appreciate the opportunity to put some questions to the member for London—Fanshawe. The member has taken great pains to talk about the procreative imperative of marriage; in his opinion, it is the sole criteria for which marriage should be judged. It seems to me that when we are considering civil marriage this really has never been the operative aspect of civil marriage in this country.

I would like to know what the member would say to a heterosexual couple who has no intention of having children as part of their marriage. Does that make their marriage less than a “true marriage”, in the language that he used? What about a couple that is beyond the age for child rearing or beyond the biological capacity of having children? Is that marriage not a true marriage? Should that couple be prevented from marrying? It seems to me that if we take his argument seriously, we would have to answer that those people would not and should not be allowed to marry. I have some real difficulty with that discussion.

I am also concerned about families that adopt children. Is that not a true family? Is the relationship of those parents not a true marriage in that sense? It seems to me that he raises more questions than he solves by stressing the procreative aspect.

I would also like to ask him if he could point to one example, even in the Catholic church, where I believe he is a member, where a priest has been forced to marry someone who had been previously divorced. It is the church's policy not to marry those folks. Has there been any instance where religious freedom was violated to force a priest to marry someone who had been divorced or to marry a couple who were not both Roman Catholic, let us say? Has the freedom of the Catholic church to make a decision based on that been violated? By extension, why would he think that this is down the road?

Mr. Pat O'Brien: Mr. Speaker, I thank my colleague for his questions but I only wish he had been part of the justice committee that I sat on, because most of those red herrings were put there. With all due respect, they are red herrings and I will attempt to address them now.

First of all, I did not indicate that the sole criterion for true marriage was procreation. He will want to read my speech to verify the accuracy of what I said.

I quoted Judge Gonthier and I will quote him again for the member:

The fundamental nature of marriage inheres in, among other things, its central role in human procreation....

It is one of the central roles of a true marriage. It is not the only role or only criterion. The member misunderstood what I said there.

As for the argument that because some heterosexual couples cannot procreate or choose not to procreate, to bring that into this is simply a red herring. That does not invalidate those marriages. The reality is that a heterosexual couple is still a procreative unit by the very nature of the act of sexual intercourse, whether or not they themselves can or choose to procreate.

However, the important difference is this: never will a homosexual relationship or a homosexual so-called marriage ever result in procreation without the intervention of a third party. That is the major distinction between the two types of relationships.

The member mentions that I am a practising Catholic and that is true, but the point is that this is not a Catholic issue. The largest number of my constituents who have consistently spoken to me on this issue are Muslims.

Yes, the Catholic church and Catholic leaders and practising Catholic lay people are concerned, but so are they of every major faith in the world and so are Canadians of no particular faith; they are very concerned about changing the definition of the most fundamental institution in this society, marriage and the family.

In my speech, and I will be glad to talk to the member about it later, I quoted expert after expert, some of them gay and lesbian people themselves, who speak directly to the negative consequences in the long term of such a reckless course of action as this government seems determined to pursue.

The Speaker: Resuming debate, the hon. member for Oxford.

• (1530)

Mr. Dave MacKenzie (Oxford, CPC): Mr. Speaker, I have listened to the impassioned words of the hon. member for London—Fanshawe today. I had the opportunity on Friday evening to spend some time with him and some other members from the area of my riding. I have to say that the hon. member was perhaps the most popular member of the House present in that gathering. I know I would regret it if he decided to run in my riding. I would be in trouble with the folks there.

What caught my interest here today was the wealth of knowledge that he has gained from his research into this issue. One of the issues that has come up in this debate in the toing and froing in the House—

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An hon. member: We are on debate.

Mr. Dave MacKenzie: I thought we were on questions and comments.

The Speaker: No, I said resuming debate. I am afraid the time for questions has expired. The hon. member is recognized on debate. I was looking at the member for Fundy Royal who is next on my list, but he did not get up and the hon. member for Oxford did, so I assumed they had traded places.

Mr. Dave MacKenzie: May I give my time to the hon. member for Fundy Royal?

The Speaker: Can we transfer the time to the hon. member for Fundy Royal? He will start now. He has lost only a minute of his 20 minutes.

Mr. Rob Moore (Fundy Royal, CPC): Mr. Speaker, I am pleased today to participate in this debate on Bill C-38, the civil marriage act. It has been interesting to hear comment from all sides of the House on what is a very important issue.

On February 16 when the Prime Minister began this debate, he stated that it was an important day. In that respect I am in agreement with the Prime Minister. However, that is where my agreement with the Prime Minister ends on this issue.

This is an important debate. The decision we make as a Parliament will have a profound impact on Canada and the rights and freedoms we cherish.

First, I would like to explore the government's principal rationale for moving forward with redefining marriage at this time.

I listened carefully to what the Prime Minister said last week in his speech and also to what he did not say. What he did not say was most telling. The Prime Minister never once said that he actually supported same sex marriage. He talked at some length about the charter of rights and about the supposed need to change the definition of marriage in order to conform with lower court rulings, but he never actually said that he himself supported same sex marriage.

From a political standpoint it is perhaps understandable why he failed to do so. This is because the Prime Minister himself stood in this House six years ago and voted for a motion to protect the definition of marriage. He voted for a motion that pledged the House of Commons to use all necessary means to defend the definition of marriage. That is the same definition that has existed in Canada since Confederation and is universally known throughout cultures, countries, religions and communities.

For the Prime Minister now to openly utter the words "I support same sex marriage", would beg the question: why, then, did he support the exact opposite position less than six years ago? Why did he stand in the House and promise to Canadians to protect the institution of marriage? Why should anyone in Canada trust any promise he makes about protecting freedom of religion and freedom of conscience in Canada now? For that matter, why should anyone trust him at all?

Instead of openly admitting to having changed his position, the Prime Minister has attempted to hide behind particular lower court interpretations of the Charter of Rights and Freedoms.

The Prime Minister now argues that the government simply has no choice, that the courts have spoken and that the government is compelled to act. This is completely false. It was the Liberal government itself that refused to appeal the various lower court rulings on same sex marriage. That was a conscious and deliberate decision. Indeed, it was a decision made within the highest order of government, within cabinet itself.

The same government that in 1999 pledged to use all necessary means to defend marriage made a deliberate decision to break that promise and simply accept a lower court's findings. It made a deliberate decision to suddenly begin to argue that in fact the definition of marriage that has existed for millennia is now somehow unconstitutional.

The Liberal government went so far as to stack a parliamentary committee that was considering advising the justice minister on whether to appeal a certain lower court decision. Suddenly the government decided to shift positions and argue that the charter of rights had to be interpreted to mean that some sex marriage was a fundamental right enshrined in the charter.

How can something that was not considered a fundamental right just a few years ago, and indeed has never been considered a fundamental right anywhere else on earth, suddenly become a fundamental right? In fact, the United Nations Human Rights Commission ruled just in 2002 that it is not necessary to change the definition of marriage to accommodate equality concerns.

Is it now the Liberal government's position that countries which handle same sex relationships differently are somehow violating fundamental human rights? Are countries like Finland, Norway, Sweden, France, New Zealand and the United Kingdom going to be targeted by our Prime Minister as human rights violators? That would seem to be the logical conclusion of what the government is now arguing.

It is ludicrous to argue that a few court rulings by a handful of lower court judges must now serve as the sole justification for fundamentally altering a social institution that has served as the bedrock of our society for centuries.

• (1535)

Indeed, the Government of Canada itself argued a similar point less than two years ago in a factum it submitted to one of the marriage cases. It said:

In a constitutional democracy, it is the legislature, as the elected branch of government, that should assume the major responsibility for law reform. Major revisions of legal text, i.e. the common law, with complex or uncertain ramifications are best left to the legislature.

In other words, decisions of immense social significance should not be made flippantly. There must be a meaningful dialogue between the judiciary and the legislative branches of government.

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The legislative branches are under no obligation to simply accept individual rulings by lower courts without challenging them. Indeed, an extremely dangerous precedent is established when they begin to do so. However that is exactly what the federal government has done in this instance.

I believe that the evidence is clear that the Supreme Court itself has signalled as much to the federal government in its response to the government's reference questions. When the government submitted its reference case on same sex marriage it asked, very specifically, whether the traditional definition of marriage was constitutional, and the Supreme Court of Canada did not answer that question, in effect turning the issue back to elected members of Parliament.

The court made the ruling despite the fact that the Government of Canada was now arguing that the traditional definition of marriage was unconstitutional.

The failure of the Liberal government to live up to its solemn promise to Canadians has left us with no final legal opinion on the traditional definition of marriage. Not only did the Liberals fail to take all necessary steps, after the court of appeal decision in Halpern, they failed to take any steps. Even worse, they began to argue on the other side against those seeking to maintain the definition of marriage.

Oftentimes it is the case that the Supreme Court of Canada has overturned a Court of Appeal decision in favour of the reasoning in a lower court. Therefore there is the very real possibility that the Supreme Court would have upheld the traditional definition of marriage had that Court of Appeal decision been appealed.

For instance, the Supreme Court of British Columbia, in a recent EGALE marriage case, and the Divisional Court of Ontario in 1993 both upheld the traditional definition of marriage. The B.C. case reads:

Same-sex and opposite-sex relationships are, at their core, demonstrably different. They cannot be equated except by changing the deep-rooted social and legal relationship around which Canadian society has evolved and continues to evolve. Because of the importance of marriage in the Canadian context, past and present, the salutary effect associated with the preservation of its opposite-sex core far outweighs the deleterious effect resulting from the refusal to provide legal status to same-sex relationships under the rubric of marriage. That is particularly so when the practical effect of recent legislative change has been to remove or minimize, where possible, the differences between the relationships as regards day to day living.

Further, the Supreme Court of Canada has never indicated in any ruling, and this was alluded to earlier, that the traditional definition of marriage was unconstitutional.

To the contrary, the Supreme Court last commented at length on the constitutionality of the definition of marriage. In the Egan decision on marriage, Justice La Forest clearly stated:

But its ultimate *raison d'être* transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship.

He upheld the constitutionality of the traditional definition of marriage and said the marriage or relationship could quite rightly be identified as being a union of one man and one woman.

The fact that the Supreme Court of Canada may have upheld the traditional definition of marriage as constitutional is, in my opinion,

one of the reasons that the government did not appeal the lower court decisions as normally would be the case. This has led to what anyone on any side of the issue would agree is a patchwork of legal realities across our country that we are currently seeing.

• (1540)

The evidence is quite clear that it is the Liberal government and not the courts that is now interpreting the charter to read same sex marriage rights into it. It is a deliberate policy choice that has been made by the government. It is not a policy that has been forced on the government by the courts, certainly not the Supreme Court.

The position first adopted by Parliament in 1999, when a true free vote took place, was very clear: same sex marriage has never been a fundamental right under Canadian law; it is not a fundamental right today; and no matter what the Prime Minister may claim, legislation that is coerced out of Parliament today cannot make it a fundamental right in the future.

We are beginning to see some of the grave implications as a result of this move by the government to change what the word marriage means.

In the Halpern decision, before the Liberal government switched sides in this debate, in typical Liberal fashion, the Attorney General of Canada submitted evidence to support the traditional definition of marriage. The factum of the attorney general in that case reads:

Marriage has always been understood as a special kind of monogamous opposite-sex union, with spiritual, social, economic and contractual dimensions, for the purposes of uniting the opposite sexes, encouraging the birth and raising of children of the marriage, and companionship.

The Government of Canada in its factum further warned of the negative consequences of changing an institution as fundamental to our society as marriage. Page 10 of that factum reads:

A profound impact on each of the universal or nearly universal features of marriage, leading to the loss of cultural norm of opposite-sex marriage;

The further de-stabilization of marriage privately and publicly by breaking the sense of constancy in its mission—"the most durable union through which to bear and raise children";

It was in 1999 when Canadians relied on promises from the then justice minister and now our current Deputy Prime Minister. It is alarming to see the change in the government's position.

Let me state again for the record that the government has no intention of changing the definition of marriage or of legislating same sex marriages...I fundamentally do not believe that it is necessary to change the definition of marriage in order to accommodate the equality issues around same sex partners which now face us as Canadians.

That is a quote from the then justice minister and our current Deputy Prime Minister.

She said further:

I support the motion for maintaining the clear legal definition of marriage in Canada as the union of one man and one woman to the exclusion of all others.

It is a flip-flop of the most immense proportions.

In justifying that position, she said:

We on this side agree that the institution of marriage is a central and important institution in the lives of many Canadians. It plays an important part in all societies worldwide, second only to the fundamental importance of family to all of us...

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In essence, the Deputy Prime Minister put the full force and power of the government behind that promise as justice minister. Parliament, in turn, through an overwhelming cross party vote clearly signalled its intent on the matter as well.

What is the Deputy Prime Minister saying today? She is simply dismissing the promises made by both the executive and legislative branches of government in 1999. Last week, as I watched the debate, she seemed to shrug her shoulders as if to say “well, things change”.

This 180° change of position could have the most alarming of consequences. It makes the most fundamental guarantees and promises of the Government of Canada completely unreliable. In fact, it makes them utterly worthless. All of the assurances made now by the Prime Minister and the Minister of Justice about freedom of religion and freedom of conscience are simply without substance.

For instance, in his speech last week, the Prime Minister said:

...in no church, no synagogue, no mosque, no temple—in no religious house will those who disagree with same-sex unions be compelled to perform them.

Will we be standing in the House in 5 years, 10 years or 20 years from now reading that quotation back to the Prime Minister or the Minister of Justice of the day and have the Minister of Justice shrug and say “Oh well, things change?”

What the Prime Minister does not want Canadians to know is that the Supreme Court of Canada has already found that the provisions of Bill C-38 that purport to protect Canadians' fundamental freedoms are outside the jurisdiction of the Government of Canada and are therefore unconstitutional.

One would think, in light of that, that the government would have left those provisions out. They are simply meaningless. However that is not what the Prime Minister has done. The Prime Minister's efforts to sell his agenda to Canadians seems to know no bounds, including putting hollow and misleading provisions in the legislation.

● (1545)

Regrettably, given what we already know about how the courts balance equality rights and religious freedoms, we have to conclude that it is highly likely and highly probable that, for example, the charitable status of religious based institutions that refuse to recognize same sex unions will increasingly be called into question. Religious based institutions, schools and charitable and other organizations will increasingly be taken before human rights tribunals. We are already seeing this. This is not some slippery slope that may happen some day in the future. It is happening today, simply for believing what they believe.

It is also instructive to examine other comments that the Prime Minister did not say. He did not say that his government would protect freedom of conscience for individuals and organizations who cannot support same sex marriage because of their beliefs. Members of the House should ask themselves if the Prime Minister had anything at all to say to the dozens of marriage commissioners across our country who have already lost their jobs because same sex marriage conflicts with their religious beliefs.

The deputy leader of the government in the House has already stated quite clearly that civil servants with responsibilities in this area

should be sanctioned or fired if they do not go along with something that violates their most personal beliefs. What does the Prime Minister have to say about any of this? Nothing at all, just as I believe he will have nothing to say when other Canadian rights are trampled as a result of this legislation should it pass.

What the Prime Minister has not been saying in his words he is signalling with his actions in the House. He has already denied any dissenters in his cabinet who may oppose the bill on grounds of conscience a free vote on the question. The Prime Minister who came to power under the promise of addressing the democratic deficit has done everything he could to prevent this issue from being debated, from Canadians having input, and now, when a bill is finally brought before the House as a *fait accompli*, he is telling his cabinet ministers and certain parliamentary secretaries they must vote this way. They are being told simply they can support the policy shift or they can resign their positions.

That may soon be the choice that many ordinary Canadians face as well, for if a member of the cabinet of this House and many members of Parliament cannot be protected, cannot voice their concerns freely, then how can we expect that other Canadians' rights will be protected?

If the bill passes we will be redefining marriage in a way that Canadians do not want and do not believe is necessary to address equality rights. We know that no national court in our country, certainly the Supreme Court of Canada, or in the world for that matter has ever said that this is a fundamental right. As a matter of fact, the United Nations has not said that this is a fundamental right. If we look at where Canadians' views are on this, they believe in equality for all Canadians and they believe we can address all equality concerns without fundamentally altering an institution that has been the bedrock of our society and the world societies for centuries.

I will be opposing Bill C-38 in its current form and I encourage all members to consider those implications when they deliberate on whether they will support the bill.

● (1550)

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, after listening to the member I feel compelled to ask a question that I believe has received very little clarity from both the member and from his party, and it centres on the issue of the over 5,000 licences that have been lawfully issued to gays and lesbians across the country.

I would like to know, from his standpoint and that of his party, whether they plan to have those licences, which were issued lawfully, taken back. Is their message to Canadian gays and lesbians, who are planning to get married in the near future, that they should stop their marriages because they would be acting contrary to Canadian law?

I would like to know his viewpoint on this issue because it is a fundamental issue about whether we will be taking away licences that have been issued and taking away rights from Canadians.

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Mr. Rob Moore: Mr. Speaker, it is an interesting dilemma in which the Liberals have put Canada. The normal course, as anyone who follows judicial cases at all would know, when one loses at the court of appeal in our country, one appeals to the Supreme Court of Canada.

The Supreme Court of Canada is the only judicial body whose decisions apply to all the provinces. The various court of appeal decisions, including the one specifically in Halpern decision in Ontario, do not apply to the rest of Canada. By not appealing the court of appeal decision in Ontario, the Liberal government has created a patchwork of legal realities, where in some provinces same sex marriage is legal and in some provinces same sex marriage is not legal.

It is very much a situation that the Liberals have created.

We have been very firm that we will not be taking rights away from anyone. My personal position is that we should define marriage, as I have said, and continue to define marriage as the union of one man and one woman. Our party has put forward a proposal to extend all those equality rights to same sex unions. Therefore, there will be no loss of rights should the bill be defeated.

Hon. Paul Harold Macklin (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I know the member spoke with concern and passion about the civic marriage officials who issue licences and who expressed their concerns. I think the hon. member is likely aware that at the recent federal-provincial-territorial justice ministers meeting this came up as an issue in terms of how to ensure those concerns would not come to fruition.

In talking with the justice ministers from Quebec and Ontario, the two most populist of our provinces, they indicated that they had numerous marriage licences issued without any particular problems. Obviously, they have managed to find an accommodation.

Many provinces and territories I am advised have already amended their laws to add specific protections for religious freedom. For example, Quebec has done this to protect religious officials who refuse to marry a couple. Others actually provide within their legislation an exemption for religious organizations as part of their human rights code.

Does the hon. member think the provinces and territories should go ahead and pursue this line to ensure they protect their officials, as it appears such protections are available and do work?

• (1555)

Mr. Rob Moore: Mr. Speaker, I would say some of that discussion is cold comfort to the people who have already lost their jobs. Those marriage commissioners were the front line.

I asked the Prime Minister a question in the House before the Christmas break. He became quite excited and leapt out of his chair because I questioned him on that very issue. Canadians who have been working in the same job for years are all of a sudden being pushed to the margins. Because their personal beliefs, the beliefs with which they came into the jobs, which were fine when they first applied for and received their positions, are no longer valid, they are therefore non-compliant and they do not fit into Canadian society any more.

I appreciate the question. In light of what the federal government is doing, I would encourage provincial governments to do everything they can to protect their citizens. There is a federal sphere and a provincial sphere. There really would be no way to contain the impact that we would make at the federal level by changing the definition of marriage. No way should we be pushing a problem that we have created onto the provinces.

We already have seen individuals lose their jobs. I mentioned charitable organizations in my speech. What about the Knights of Columbus which is currently before the B.C. Human Rights tribunal because it does not want to sanction a same sex union? It runs completely counter to its value system of what a marriage is, yet there is an attempt to thrust that view on to it. There has to be a balance.

The Liberal government has failed to achieve that Canadian balance. As Canadians we are all interested in equality and fairness before the law. The majority of Canadians and the Supreme Court have never said to change the definition. Apparently at the United Nations, it is not the opinion of any body, any national court or any international court that we have to change the meaning of the word "marriage". It is an institution that existed long before Canada was ever conceived of or thought of. Yet somehow we, as a country, are taking it upon ourselves to change what the word "marriage" means to address these concerns when the Canadian public believes these equality concerns can be addressed without changing the definition of marriage.

Mr. Mario Silva: Mr. Speaker, I posed a question earlier which still needs an answer. It is a simple yes or no question. There has been a right conferred on gays and lesbians across the country. Over 5,000 of them already have a marriage licence. Is it the Conservative Party's view or its policy to take away those licences, which were legally issued, from gays and lesbians across the country?

Mr. Rob Moore: Mr. Speaker, I firmly believe and support the position we have taken. It is a compromise position. It is a reasonable position. We would extend those same rights, benefits and obligations while upholding the traditional definition of marriage. I do not know what is so hard to understand.

An opposite sex relationship and a same sex relationship are two different kinds of relationships. The one is marriage and the other will have the same rights, benefits and obligations. If he were to poll Canadians, as we have done, he would see that Canadians do not believe we should change what the word "marriage" means simply to address those rights.

I cited a court decision that said a lot of those equality rights could be addressed without changing the definition of marriage. That would be my opinion on the matter, and that is the position we put forward.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, some of the input we have received is the concern about the impact on children to the extent that if procreation is not to be considered and that in vitro fertilization or other reproductive technologies are available, what impact that may have on the raising of our children.

Would the member like to comment on that?

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•(1600)

Mr. Rob Moore: Mr. Speaker, I have read some of what was discussed at the justice committee in the past when they held their deliberations. What the experts told us was they did not know what the future impact would be on children.

The few things we do know is, first, it would be a virtually unprecedented step to change what the word “marriage” means. As a society in Canada and throughout the world, we know marriage to mean the union of one man and one woman. Most children are the product of that relationship and are raised by that relationship. We do not know what the long term impact would be on changing the meaning of the word “marriage”.

Hon. Bill Graham (Minister of National Defence, Lib.): Mr. Speaker, I am very pleased to join in the debate on the matter today before the House.

The member for Fundy Royal has said that it will have a profound impact on Canada. I totally agree with him. It is remarkable that Canada is having this debate. Very few countries are having a debate of this profound nature. It relates in some ways to the way in which we see ourselves as a society and as a country, and how we try and strike individual liberties, freedoms and inclusiveness for all of us.

I am proud of the fact that we are having the debate. I am proud of the respect we have for one another for the tremendously difficult disagreements we have over this. I am proud, at least in my belief, that this will prevail in the end because it is the right thing to do and it is the right time to do it.

I am proud that the government has introduced the legislation. In my view it is in the best of the Liberal traditions, that is a commitment on behalf of government to change society in a way that individuals are protected and that they can affirm and develop themselves to the best of their possibilities in society.

I was very proud of our Prime Minister's introductory remarks, which the hon. member for Fundy Royal mentioned. We heard him discuss in a dispassionate way the nature of the legal framework within which we live. It is not only a legal framework and a charter, but more than a legal framework. It is a framework, and I will come back to this, which seeks to create an atmosphere of mutual respect, comprehension, tolerance and one in which society can progress. We heard the Prime Minister put forward a compelling case, a case founded on our charter, our law and our tradition of mutual respect for one another.

We heard the Leader of the Bloc Québécois speak. We all have to remember when he said:

[*Translation*]

—the religion of some should not become the law of others.

[*English*]

How long has it been in human society where the religion of the some is the law of the others? How many of us, as we sit here in the 21st century, can recall centuries before when that was the profound reason for social strife, the disruption of society, the civil wars, the terrible religious wars of Europe of the 1630s, the religious wars in France, and the civil war in England? All of this arose largely because some people felt that the moral values of the some had to be

imposed by the law on others. Clearly, we have an obligation to determine what are our moral laws. We as a Parliament must consider that.

However, the bill seeks to do that within the context of a charter and I would like to come back to that. First, let us look at what the bill is and what it is not. It is a bill about civil marriage. It is a bill about the state's obligation to create a framework within which individuals can participate in society and fulfill themselves. It is about the state's role. It is not about the role of churches. It is not about the role of religion. That is, as the Supreme Court of Canada has said, for the churches to determine.

I happen to belong to the Anglican Church which is struggling with this matter in a very deep way. This is a matter which is extremely troubling. It is a matter which is causing extreme anguish as people in my church and in other faiths seek to find an answer to something that our colleagues across the way have said is of profound importance for us.

However, let us not try and use the bill. Let us not distort the nature of the bill. Let us not talk about churches. We have allowed divorce in the country for a long time. No one has ever brought a case before the court to require the Catholic Church or any other church that does not wish to recognize divorce to recognize a divorce.

I do not believe it is likely, particularly given the statement of the Supreme Court of Canada, the British Columbia Court of Appeal, the Ontario Court of Appeal and others about religious discretion and religious control, that there is any likelihood or any possibility whatsoever that such an action would be successful.

The hon. members opposite cite cases where they say it is going to be tried and people will bring lawsuits. There will be people who will bring lawsuits, but that is not to say they will be successful.

We have here the clearest statement of the highest court of the land saying that the charter protects religious liberties and religious institutions will make their own choice.

We are debating here in the House the obligation of this Canadian country of which we are so proud and so determined to make one of the greatest countries in the world. That is what we are talking about and not about individual religions which are a part of the mosaic of this state. It is the accommodation of that mosaic which is very important.

I remind members of the House that there are religious organizations, whether it is the United Church or others in this country, that do wish to give affirmation to the opportunity of people of the same sex to get married.

Therefore, let us leave to religion what is religion and let us talk about the state's role and what is the state. How did we get here? We got here because in the 1980s we made a profound decision in this country. We chose to fetter, if I may say that, to restrict, and to control our parliamentary democracy by an overguarding reach of a Constitution which would determine which were the basic rights, fundamental rights and freedoms of Canadians.

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One of the basic rights contained in that document was the obligation of the state not to discriminate when it deals with its citizens. An obligation which can only be overridden by section 1, where it is the imperative necessity for the preservation of the state.

I happen to believe, and I am not like those on the other side of the House, that we are fortunate to have chosen this path. I happen to believe that we did the right thing in saying that when we created a Constitution and defined rights and liberties within that, that we gave to our courts the obligations, the duties and the privilege of interpreting that Constitution.

● (1605)

As they have interpreted, a society has evolved. It is a parliamentary democracy which is now part of a constitutional democracy. In that respect, I cannot accept the comment by the member for London—Fanshawe that our courts were being arrogant when they came to the conclusions they did. They have had cases that have dealt with this matter for over 15 years.

Year after year they have pronounced on the reality of the statements. Unlike my friend, the member for Fundy Royal, who says that the Supreme Court of Canada has not pronounced upon this, I totally disagree with him.

The Minister of Justice and other members of the House have said and 139 lawyers, professors and learned people in the law have written to the Leader of the Opposition to tell him specifically that the Supreme Court of Canada has pronounced itself when it affirmed the judgments of Ontario, British Columbia, Quebec, Manitoba, Nova Scotia, Saskatchewan Yukon and Newfoundland and Labrador that restricting civil marriage of opposite sex couples is unconstitutional under the equality provisions of the charter and, therefore, created a legal framework for these marriages, which has established vested chartered rights in the citizens of those provinces.

The member for Fundy Royal would not answer the question from my friend, the member for Davenport. The question remains. The Supreme Court of Canada has spoken of the vested rights of citizens who have been legally married by virtue of authority granted to the state under legal rulings of the highest courts of their provinces. What does the opposition say to us it will do with those people? Will they be thrown into limbo? Will their marriages, which are legal today, be illegal tomorrow?

The hon. member for Fundy Royal says we are not taking rights away from anyone. There are 5,000 couples in this country, and there will be more before this debate is finished, whose rights will have to be taken away if the members opposite are successful in proposing what they propose before the House today. That would be a tragedy for Canadian society.

I suggest to the House it is clear that this is a matter of law. The Supreme Court has pronounced. However, this is not just a matter about legal considerations. I believe it is a matter of fairness in society. It is also a matter, frankly, about economics.

In my own city of Toronto I have done many investigations since becoming the member of Parliament for this riding. I have spoken with people at the University of Toronto and people at many firms, some of which oppose this idea, but over time they have all given similar rights to gay and lesbian couples. The obvious reason they do

it is because they want to ensure that they can hire the best people available.

The fact of the matter is that one of the benefits of being open and tolerant to people with diverse points of view and cultural backgrounds is precisely what being modern is all about. The city of Philadelphia in the United States has been seeking recently to create a sense of itself as being gay friendly. If we read the literature, it tells us that being gay friendly is not just about trying to attract a certain group of people to go to the city. It is a signal about being open, the fact that it can bring anybody into the city, somebody who will go there to work because they feel comfortable, are not discriminated against and can contribute, whether they be a computer programmer, an artist, a lawyer or anything else.

When we pass this bill, we will be sending a message to the world that Canada is open to people, Canada is tolerant, Canada is willing to say that individuals can affirm themselves to their fullest, and Canada will be saying it is ahead of where modern society is going. That will make all of us on this side of the House proud indeed and it is something which I believe is absolutely essential for us to do.

● (1610)

We have heard a great deal in the House about the nature of multicultural societies. I know something about multicultural societies. I happen to live in a riding which has a very rich mixture. I happen to know many of the people in that riding, many of whom have cultural hesitations about this matter, who feel that it is not part of their religious tradition, who would not wish to see it as a part of their family.

However, those same people know that they have had the privilege of coming to this country and living in a society with a constitutional protection such that while it might apply in this circumstance as something they disagree with or would not practise themselves, they know that those same rights will protect them when the time comes. That is the essence of what the charter protection is all about. It protects all equally. It will sometimes protect somebody who we disagree with, but as Voltaire once said, "I may disagree with what you have to say, but I shall defend, to the death, your right to say it".

The point about the charter is that it has to apply equally to all. In my experience, the multicultural communities that I have the privilege of working with in my riding, with their rich different cultural backgrounds, are uniformly of the view that they want the protection that the charter offers them and they are willing to offer that charter protection to others.

I can say something else about my riding and I am very proud of it. I recall years ago when I first was elected. We have something called Gay Pride in Toronto. I think maybe other cities and countries have pride as well. Twenty-five years ago it was a political event. People protested about being discriminated against. Today it is one of the biggest events in downtown Toronto, as I am sure my colleagues from the city of Toronto who are here today would agree.

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Grandmothers and children from every race, every multicultural society, and every facet of Toronto are there participating. Why are they participating? They are participating in something that is a celebration of our common humanity, our tolerance and respect for one another, and our ability to get along. Go and ask the grandmothers who are there with their children watching Gay Pride in downtown Toronto. The members here are telling us that this is going to end society, that it is all going to come to a terrible end. Ask them what they think as they bring their children to an event which celebrates our common humanity. That is what it is all about. It is about our common humanity.

I have been in the House now for many years. I have heard the statements that society is never going to survive, but we heard the same arguments when we talked about the Criminal Code changes. We heard the same arguments about the Human Rights Act changes. We heard the same arguments about Bill C-23, giving equal status and extending pensions to common law partners. In fact, we have heard these arguments over and over again, that the institution of marriage is threatened, society will never be the same, the traditional difference, children will no longer respect their parents, and this will be the end.

We have heard it so often. We have to reflect and look back in history. The same arguments were made when we brought in divorce. The same arguments have been made every time there has been an important social change.

I would like to read something to my colleagues on the other side of the House from a former Conservative MP who is also a research professor at Wycliffe College, the University of Toronto, which is an Anglican college. His name is Reginald Stackhouse and he had this to say in an article he published in the *Globe and Mail*:

As a Canadian, I don't have to agree with gays and lesbians. I don't have to approve their marrying. I just have to respect their right to do it and live their lives in a peaceful, open way. Showing that respect is something I should do for the common good, not just for the rights of gay and lesbian individuals. This country is a better place to live for all of us when we acknowledge we can be different without fighting about it. Or repressing it. Or even pretending it isn't there. That's not easy for some people. Deeply held moral values can motivate their wanting to use the arm of the law to advance them. But persuasion is morally better than coercion. Anyone who doesn't think so should look around the world.

Experience also teaches us that many of the fears people hold are not justified. In my own lifetime, Canadians have learned to live with a succession of changes in lifestyle, each one feared as the first step on a slippery slope. Yet we have remained "a peaceable kingdom", a place envied around the world by men and women eager to live where they can be free. Not so that they can wallow in sin.

Just so that they can be themselves.

But that has not made Canada a wasteland of godlessness. We have opened up Sunday. We have decriminalized contraception, abortion and homosexual activity. We have given ready access to divorce and remarriage. In six provinces and one territory, we already have same-sex marriage. But we also have a vigorous spiritual life.

● (1615)

If all the country's worship services are added together, they can still outdraw the total attendance at all our sports events—even when the NHL is playing. So, as a Christian citizen, I am not going to urge my MP to vote "No". This country is the world's best place to live because we accommodate one another. The Fathers of Confederation showed it when they fashioned a Constitution that accepted differences. Our MPs can show it again.

I had an opportunity some months ago to be at Toronto City Hall. I was there with the mayor. On that occasion several hundred people of same sex had obtained marriage licences to celebrate the fact that

they were able to get married. It was no different from any other day when groups of people get together and celebrate their ability to pledge allegiance to one another, to one another's future, the same emotions, the same concerns about where they are going, the same angst that one has and yet the same thrill that this commitment is being made.

Something quite remarkable happened at that event. As I stood there watching, I was asked if I would say a few words. A young American stood up on the stage. He said that he was there with 20 of his American friends, all of whom had come to Canada to get married. This young man from Boston said something quite extraordinary. I mean this in no way critical of the United States, but I am quoting him, he said, "For me the Statue of Liberty has moved from my country to Canada as we come here today to celebrate our individual and collective liberties". Everyone in that room stood up and sang *O Canada*.

Mr. Speaker, you and I know that Canadians are not demonstrative as a rule, but I was proud of that group. I was proud of that moment. I will be proud when this bill is passed and we can all say the same thing: our country is a beacon for liberty; our country is a beacon for individual rights, freedoms, respect and tolerance for one another.

● (1620)

Mr. Paul Forseth (New Westminster—Coquitlam, CPC): Mr. Speaker, I appreciate the spirit with which the minister has carried forward the debate, but I would caution him not to overstate and mischaracterize either the Conservative position.

In the spirit of tolerance that he talked about, I wonder if he would have the political humility to make his case to the voters in his riding, engage the debate in his community and then provide a vehicle for his constituents to instruct him how he should vote. We talk about rights, but this is also a matter about how society shall be structured and the democratic ability of the community to decide how it shall be structured.

I am wondering in that spirit of optimism in the future, about being at peace with our neighbour, if the definition of marriage truly should be changed, if it should have the consent and support of Canadians. He should be able to make that case appropriately to the community. Is he doing anything to engage the community? Is he doing professional polls, having town hall meetings, or whatever to obtain the political consent of his community about this matter?

Hon. Bill Graham: Mr. Speaker, that is a very legitimate question. I want to assure the hon. member that I have been engaged in my community.

In fact if he checks my voting record, he will see that on every occasion when this matter has come before the House, I have consistently voted that I oppose retaining the traditional definition of marriage because I believe for the reasons I have set out before the House today, that it impedes the ability of society to make progress. That has been my consistent position since 1993 when I was first elected. I have been re-elected every time with increasing majorities.

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I would like the hon. member to note that in my riding by the way, given the nature of my constituency, I have sent a householder to every member of the riding clearly laying out my perspective. My constituents know my perspective. They have known it for years. Yet I will tell the hon. member that in the last election I got the highest majority I have ever had. Curiously enough my Conservative opponent, who only had 6,000 votes which is unusual for my riding, actually was a woman who said that she agreed with my position.

My constituents recognize that this is the way we have to go. They have problems with it, of course they do. But I am comfortable with the fact that I have been consulting my constituents and they have consulted with me in the results in the last election. I recommend that the hon. member look at those results.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, if same sex marriage is really about human rights or upholding charter rights, as the minister insists, why did top Liberals vote in favour of the traditional definition of marriage in 1999? We all know who they are. They are the Prime Minister himself, the Deputy Prime Minister, the House leader, I could go on and on, ministers who are on the front bench across the way.

We have quotes from the one who is now in the role of the Deputy Prime Minister. She said:

The definition of marriage is already clear in law in Canada as the union of two persons of the opposite sex. Counsel from my department have successfully defended, and will continue to defend this concept of marriage [in the courts].... I continue to believe that it is not necessary to change well-understood concepts of spouse and marriage to deal with any fairness considerations the courts and tribunals may find.

An hon. member: That was a Liberal?

Mr. Maurice Vellacott: A Liberal said that, the present Deputy Prime Minister in a letter dated April 24, 1998. The former justice minister who is now the Deputy Prime Minister, went on to say, "For us and for this government, marriage is a unique institution. It is one man and one woman, to the exclusion of all others. We also want to ensure that unmarried relationships, be they same sex or opposite sex, are treated fairly and treated the same".

In respect to a motion that was before the House in 1999, the very same individual lined up with a bunch of those other ministers on the other side of the House, the Prime Minister himself no less. That motion read:

That, in the opinion of this House, it is necessary, in light of public debate around recent court decisions, to state that marriage is and should remain the union of one man and one woman to the exclusion of all others, and that Parliament will take all necessary steps to preserve this definition of marriage in Canada.

The fact is that Liberal members have made statements and then have reversed themselves radically. They have stated themselves clearly and emphatically, and then have reversed themselves just as emphatically. In view of that fact, I ask the minister, how are we to believe and take to heart and trust anything that the Liberal government across the way would say to us on this or any other matter?

•(1625)

Hon. Bill Graham: Mr. Speaker, I can only speak for myself. As I told the hon. member and his colleague, I consistently have always voted the way I have. As I explained to my hon. colleague, my

constituents have always known my voting record and where I stand on this issue.

I urge on the hon. member the fact that people evolve. Ideas change. The courts themselves I do not think would have ruled the way they did in recent years immediately upon the passage of the charter, for example. I think that people and society evolve. They analyze what is the right thing to do. We seek to change opinions if we believe that they are wrong.

I think this government has rightly been guided by the Supreme Court, to which we asked to reference, and has been rightly guided by the courts of all the other jurisdictions in Canada that ruled the way that they have. Our obligation surely as law makers is to seek to understand not just our own attitudes and our own views, but how the law fits within the overall framework of the society in which we live. As I pointed out earlier in my speech, that framework is established by the Canadian Charter of Rights and Freedoms.

I would ask my friend to be tolerant of those, like those in his own party who intend to vote for this legislation, and recognize that they too have struggled with this and see this as a culmination of a charter issue, but also an issue of the affirmation of the rights of the individual and recognize that people will change, people will work to understand what they should be doing. All of us on all sides of the House on this issue are struggling to do the best we can for our country and our conscience.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, there have been a number of court cases with regard to a section 15(1) challenge, all of which have been resolved under section 1, about reasonable justification. The last one was the B.C. Supreme Court in the fall of 2001 in which Justice Pittfield ruled that there was reasonable justification in a free and democratic society.

Could the minister tell us why is it that we can have a series of no decisions, no to the petitioners, time and again, just like in the referendums in Quebec, but then we hit one yes and all of a sudden everything changes?

Hon. Bill Graham: Mr. Speaker, the hon. member is right. I used to practise law, and I was involved in cases where a trial judge in a lower court would rule one way, five judges in the Court of Appeal would rule the same way, and then three judges of the Supreme Court of Canada would overrule them. That is the legal system.

The hon. member is suggesting one person was overruled. This was not some isolated case. This was the Court of Appeal of Ontario, of British Columbia, of Quebec, of Manitoba, of Nova Scotia, of Saskatchewan, of Yukon, and now of Newfoundland and Labrador. The Supreme Court of Canada said that all of those judgments were valid and granted vested rights to those people who had been married under those judgments.

I think it is a bit ingenuous to suggest in the House that somehow this was a minority legal opinion. It was not. It was the overwhelming legal opinion of the highest jurists of the land. It was one of the reasons that caused the attorney general in previous times not to appeal to the Supreme Court of Canada. It was said to be an irresponsible act. In fact the attorney general had advice that the appeal would be lost.

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As the chief law officer of the crown, the attorney general is obliged to give the best legal advice to the government not to take frivolous appeals and not to take litigants through cases in the highest courts of the land when it is known that the judgment will go against it. The attorney general of the day examined all the judgments and said that the prevailing legal opinion clearly was that the restriction in the Constitution was unconstitutional as held by all the courts that I referred to.

It is not fair to suggest that this is a minority view. On the contrary, this is the overwhelming majority view as set out by the courts.

• (1630)

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, I am very pleased to rise in the House today to speak to Bill C-38. I have to say there were times when I thought this would never happen. There seemed to be so many delays for political reasons or to accommodate a political agenda.

I am very glad that finally this bill is before Parliament and is being debated. I hope very much that the bill will be approved and that it will not be so drawn out that somehow it gets lost again, because I think it is probably one of the most important pieces of legislation that we will deal with for a very long time.

The first thing I wish to say is that I am very proud of our leadoff speaker on this debate, the hon. member for Burnaby—Douglas, who rose in the House last Wednesday and spoke with such great courage. He shared with us very personal information about his own life as a gay man and about his partner of 24 years, Brian. As I listened to that debate, I felt very proud to be a member of this caucus and this party where our leader, the member for Toronto—Danforth, has been so clear on what the position of the NDP is.

I wish to thank the member for Burnaby—Douglas for speaking out in such a strong and forceful way and for I think really giving a human face, a real face, to what this debate is about. I am also very proud of our leader, who has done the same thing.

For me this debate is not about tolerance. I listened to the comments of the Minister of National Defence a little earlier. He said he would be very proud when this bill passes and I would certainly agree with him. I think he made a very fine speech. I too will be very proud when this bill passes, as I hope it does.

But I think it needs to be said that Bill C-38, if it were left to the Liberals and the Conservatives, would not pass. It really begs the question as to the reality. We have a Prime Minister who on the one hand has spoken about the values of human rights, dignity and respect to the Canadian people, but on the other hand has allowed his own members to have a free vote. I think that is unfortunate.

I listened to the minister of defence and the questions and comments that came later and I must say that to me this bill is not about some notion of tolerance. I actually do not even like that word; that we somehow tolerate other people who we see as different from ourselves. There is a sense of judgment in that, in saying that we will tolerate someone on the basis of their beliefs.

To me, this bill and this debate are about rights. This is about dignity. This is about individual liberties and individual choice.

I would also like to recognize the work that was done by the former member of Parliament for Burnaby—Douglas, Mr. Robinson. I think it was two or three years ago when I stood in this House to support his private member's bill on same sex marriage. Certainly in Canada Mr. Robinson has been at the forefront of the campaign, the movement and the struggle for gays and lesbians to seek equality. In the early years, when he first came out, the work that he took on was very difficult and very painful for him. Certainly there was a backlash. The courage he displayed has allowed many of us to come forward and has paved the way for gay and lesbian rights in this country. The work that was done needs to be remembered, recognized and valued.

I was also very proud to be part of the press conference on Valentine's Day, February 14, with the member for Burnaby—Douglas and the Bloc member for Hochelaga. The three of us engaged in a press conference because we wanted to speak out as gay and lesbian members of the House. We wanted to talk about our own lives. We wanted to put that before the House.

Although there were some tough questions and we were dealing with a situation that was sometimes confrontational and controversial, I was very proud. I think what we were trying to say was that we wanted this debate and this issue to be about dignity and respect. That was the message that we brought to the press conference and that we bring to this debate.

I was here last Wednesday, February 16, when the debate began. I listened to the Prime Minister. I actually really appreciated the history that he gave about the charter and equality and where it has come and how it has evolved. I think it was very important to put that on the record.

• (1635)

I also listened to the leader of the official opposition, the leader of the Conservative Party. I think he spoke for more than an hour. The thing that struck me most about his speech, even though some people may believe it was a very eloquent and a very heartfelt speech, is that it was very unreal. It was very out of touch with the lives of real people in Canada.

In fact, today I was on the radio debating with a Conservative member, the member for Cambridge. As we were debating this bill he told me and the listeners that he felt the speech of his leader was something like a doctoral thesis. I guess he was very impressed with the speech. He thought it was very academic and from his perspective he thought that it covered all kinds of legal points. He likened it to a doctoral thesis.

He then went on to say in the radio debate and interview this morning that he felt the bill before us was talking away his rights, a Conservative member's rights, in terms of marriage and the institution of marriage. I have to say that I had some real trouble understanding the meaning of this argument and where it was going.

I certainly did not see the speech from the Conservative Party leader as a doctoral thesis. Maybe it would serve well as some doctoral thesis, but to me the debate fundamentally comes down to dealing with the reality of people's lives and how we as a society treat people, especially minorities.

Government Orders

We have had all of these very significant court cases, and the legal route and the litigation that happened were incredibly important because they paved the way for this debate to happen, but at the end of the day, after all the legal arguments are said and done, I think what we are dealing with is a matter of people's individual choices and lives and what we choose to do in terms of getting married or not.

So when the member for Cambridge today said that this debate for him was about taking away his rights, I have to say I really do not understand that. I do not understand how strengthening and enlarging the definition of civil marriage is taking away anybody's rights.

As I said before in the House, this bill on same sex marriage is not about forcing the member for Cambridge or the member for Calgary Southeast to marry a man if they do not want to. There is nothing in the bill that creates harm. There is nothing in the bill that undermines the institution of marriage.

On the contrary, as the member for Burnaby—Douglas pointed out so beautifully in his speech, this debate and this bill are about actually strengthening the institution of civil marriage. This is about strengthening people's commitment to one another.

To come back to the Conservative leader's speech, what I was struck by, as I said, was the lack of humanity. If the debate is only about theoretical legal issues, and if that is the only part the Conservative leader can attach himself to, if that is the only way he can debate it and reconcile whatever is going on in his mind, then I think he has really missed the point. He has missed it on the basis of what is happening out there for a lot of people. I wanted to make that point.

In fact, what the Conservative Party offers up to us is this notion of a civil union. I have heard this so many times from different Conservative members and I have to say that we have to reject this notion.

If years ago there had been a debate about ending marriage as we know it as an institution and if the debate for everyone was about us all going to a civil union, then I think that debate would have had some merit, but at the eleventh hour to bring in an argument and to rest one's case on the idea that a civil union is going to do it is a really false notion, and I think people see it that way, as simply a rationale and a smokescreen to negate the real issue here, which is about equality in marriage.

If the institution of marriage is good enough for straight people, if it is good enough for a man and woman, then why is it not good enough for two women or two men if they choose to make that decision?

• (1640)

Then we have the member for Calgary Southeast. I have had some debate with the member. An article in *The Globe and Mail* today states, "MP doubts social benefit of same-sex marriage". As for seeing the arguments that are produced there, I guess we could spend several days just debating how ridiculous they are, because he is resting his case on the idea that marriage is primarily or only about producing children, about procreation.

I think there are so many reasons why that is completely invalid. To begin with, all of us know couples, married people, who either choose not to have children or who maybe cannot have children. Are we saying that somehow their marriage is not to be validated or that it is not real? In fact, there are same sex marriages and same sex relationships where children are procreated. There are all kinds of families out there. There are different kinds of families. They have children or they do not, or parents are the biological parents or they are the adoptive parents. To me this is the whole point of the debate: it is to recognize the reality in our society that a family is not just one thing as defined by the Conservative Party of Canada. It is not that narrow.

The Minister of National Defence said that people evolve and decisions evolve. I would agree with that. It seems that only the members of the Conservative Party, which as we know dropped the word progressive from its name, are not able to evolve with this. They are denying many people in our society the same kind of respect, dignity and choice that other people have.

To rest one's case on the procreation argument is to rest it on a very false premise. I would recognize, though, that there are other members in the party. I read the article by the member for Calgary Centre-North, which appeared in his local paper or maybe in other papers, and I very much appreciated that the member had the courage to write an article and say where he stood: that he respected choice, dignity and people's rights and that he was in favour of the bill. I know that he is in a minority in his own party. There are a few others there as well. I very much respect that and the fact that he had the courage to speak out.

In terms of my own position, I do want to say that I do not see this as a debate about tolerance, as I said, or about destroying tradition or undermining other people's rights. In fact, what I believe is that one can actually be against same sex marriage and vote for the bill. I believe that is possible, because to me what this bill is about is our duty and responsibility as members of Parliament to uphold people's rights and choices.

I do not believe it is up to me as a member of Parliament to say to another couple that they have no right to get married. I think it is very possible that one can be opposed to same sex marriage for religious reasons, cultural reasons or personal reasons, whatever they might be, it does not matter. That choice is not taken away from those members, but I see a distinction between that and what our roles and responsibilities are as members of Parliament.

There are 308 of us and we have a very privileged position in this place. I believe that one of our core roles is to uphold the values of our society in terms of people's rights and their choices. I come here as a member of Parliament, no matter what my personal views are, and my duty is to uphold those rights for equality.

Government Orders

I would really encourage members of the Conservative Party to think about that, because at the end of the day surely it is my choice if I wish to marry my partner who is a woman. That is my choice to make as long as I am doing it within the bounds of civil marriage and so on. I cannot understand and I cannot see how any other member of the House or the state as a whole has a right to deny me that choice if I want to make that choice, if I choose to live common law or if I choose to be married with my partner who is a woman. To me, that is a very fundamental question in this bill that has been put forward.

The other question I want to deal with is the question of religious freedom. I know that members of the Conservative Party have raised this time and time again. I understand that within the faith community there are different points of view. There are some religious institutions and churches that feel very comfortable with the idea of same sex marriage and are actually willing to perform same sex marriages within a religious setting, churches such as the United Church of Canada, and I think that is great. But there is absolutely nothing in the bill that would force any religious institution, any synagogue, mosque, temple or church, to perform a same sex marriage if it did not want to.

• (1645)

The whole idea that this is somehow infringing on religious freedom is politically motivated. I am trying not to be negative in the debate. In the spirit of what others have said, I am trying to be very positive. I am trying to stick to the high ground. There have been some points where I have felt pretty damn mad about some of the comments made and the way the debate has taken place. There has been a political agenda. There has been an attempt to be divisive. There has been an attempt to go into ethnic communities try to divide people. Let us be clear. The bill protects religious freedom in every way. For anyone to say contrary is misrepresenting the bill.

We are getting thousands of e-mails, letters and faxes every day. We read through the ones that we can, but some go into the recycle bin. Some have been pretty vicious and others have had some pretty nasty messages in them. Some of them are quite hilarious and I have to laugh at them.

One that came forward said, "Even our Canadian goose mates for life. Let's learn from nature. Please vote to preserve the sanctity of marriage". My response to that one might be something like Daffy Duck is no basis on which to base the principles of marriage.

Another one said, "Get control. You're an elected member of Parliament in a democratic country, therefore you are responsible to all Canadians, not your party. Use the authority that Canadians have given you to vote against Bill C-38". I agree with that one. I am voting on the basis of upholding democratic choices for Canadians. It is funny how we interpret these things.

Another said, "Where is it going to end? End it now by voting against same sex marriage". This message really plays into people's fear. Fear does exist in some communities. People are worried about losing their sense of tradition. Rather than MPs fueling and exploiting that fear, we have a responsibility to tell Canadians that this is not about fear. It is not about something ending. It is about something beginning. It is about extending the celebration of love and commitment into a civil institution of marriage. This is not

something we should see as an end. We should see it as a great beginning.

I hope the debate on Bill C-38 will be a full and respectful debate, but I hope it does not go on forever. At some point we have to get the bill through. We have court decisions. Same sex couples are marrying every day, and we cannot go back and undo those marriages. I hope at the end of the debate we will recognize that we are reflecting the views of Canadian society and its values of dignity, respect and equality. Our party will be voting for the bill.

I want to thank all of the same sex couples who have devoted their lives to bringing us to this point. Many people put themselves on the line, both financially and personally, in terms of litigation. We should be grateful to them for the work they have done. I am speaking about groups like EGALE and Canadians for Equal Marriage which have done a tremendous amount of work. Let us now do our job and make sure that we vote for Bill C-38.

• (1650)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, in the Supreme Court decision on the reference questions, paragraph 60 states that, "Absent of unique circumstances to which the Court not speculate", religious freedoms under the charter are protected.

I know that all members are aware that issue of religious rights and the protection of those is a principal matter of concern for many Canadians. In the event a case came before the courts challenging the right of a church to deny marriage to a same sex couple, what would the member's position be on that?

Ms. Libby Davies: Mr. Speaker, it is very difficult to speculate on cases that may or may not come forward. In fact, there are cases already that have to do with church property, which may be a separate question.

I am not a lawyer, but I would not vote for the bill unless I believed it protected religious freedom. I believe it protects religious freedom, and I think that is a very strong feeling in the House. If anything came later which somehow violated that, I think another debate would take place here.

That is my feeling about it. I support this bill on the basis that it protects the rights of individual Canadians and it also protects the rights of individual Canadians when it comes to religious freedom.

The Deputy Speaker: Order, please. It is my duty pursuant to Standing Order 38 to inform the House that the questions to be raised tonight at the time of adjournment are as follow: the hon. member for Charleswood—St. James—Assiniboia, Health; the hon. member for Acadie—Bathurst, Employment Insurance; the hon. member for Elgin—Middlesex—London, Government Appointments.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, I have had the opportunity to work with the member in committees. I have enjoyed some of the collaborations we have had with respect to some of the ventures in the committee work for the House of Commons over some period of time.

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I want to respond to her in respect of one remark she has made. The member for London—Fanshawe made a comment with respect to it earlier. In particular she made somewhat negative remarks maligning a colleague of mine, the member for Calgary Southeast. It had to do with his remarks on the procreative element of marriage.

There are indeed several constituent elements of marriage. It is not just one thing. It is two people loving and living together. There are other things that make it up as well, one being the continuation of society. I would say gently to her, but I say it nevertheless, that when we look at society around us, yes indeed there are couples who do not have children, some by reasons of sterility. I have spoken with such couples. We know their heartache and heartbreak. We know other couples where for reasons of choice, career or whatever, it does not allow for children in their particular lifestyles. Simple logic would tell us that those are the exceptions that prove the rule.

Most heterosexual couples will and do have children at some point during their relationships. We know heterosexual couples have children and that is the rule. There is the exception to it. As the member opposite said, we know in homosexual relationships that is not a possibility. It is plain and simple. It is the birds and bees. We learned that very young. She is aware of that.

We do not want to be deluding ourselves on this point. For the continuation of society, some would strongly make the point, as did the member for Calgary Southeast, the procreative element is a necessary part of marriage. We can have other kinds of relationships that may not include that, but it is the exception which proves the rule when couples do not have children.

I want to correct for the record that very clearly our party believes, as does the member who was referenced from my party, that those marriages are every bit as valid. Heterosexual unions with no children by reason of sterility or choice are valid marriages and will continue to be. That is the view that my party strongly takes in respect of that. We have never said otherwise.

● (1655)

Ms. Libby Davies: Mr. Speaker, I agree with the member that clearly most heterosexual couples have children. But so what? What point is the member trying to make? The issue and controversy were created because the member for Calgary Southeast suggested that somehow was the reason for marriage and that other kinds of marriages were, therefore, invalid. If married couples want to have kids, that is wonderful. There are also couples who are not married who choose to have children.

The problem I have, and I put it back to the member, is why he is so intent on creating this little box and either one fits in it or one does not. It seems to me that marriage is also about diversity. It is about different kinds of relationships, whether it is between a man and a woman who have children or do not, or adopt children or whether it is between two women who have children or do not. Why can he not accept that?

Mr. Jim Prentice (Calgary Centre-North, CPC): Mr. Speaker, I leave aside the fascinating subject of procreation and ask the hon. member for Vancouver East questions concerning democracy.

The Conservative Party is the only party that is allowing a free vote on this issue. Our leader has had the courage to allow every

member of the party to stand up and make a decision, a decision of conscience on this issue.

Could the hon. member address the circumstances in her particular party and why a free vote will not be allowed? It would seem to me this is a very important issue. It is one in which individual members should be allowed, as the Conservative members are, to vote with their conscience. I am very puzzled why the NDP would not allow a free vote of their members.

Ms. Libby Davies: Mr. Speaker, I feel very comfortable with the decision our leader has made, that this is not “a free vote” for the NDP. We have a party policy. The highest order of our party is a party convention. It was at a convention that our members democratically voted on a resolution overwhelmingly supporting same sex marriage. Therefore, when we run for the NDP, we do so on the basis of supporting our party policy and party platform. That is number one.

Second, we do not see this as a matter of conscience. We see it as a matter of being a member in this place, being willing and accepting our responsibility to uphold the rights of people. That is why I say we can be opposed to same sex marriage but still vote for the bill. I do not see that as a contradiction at all.

I feel proud of the fact that our leader has had the courage to stand up and say, because this is an issue of rights, we will not vote against those rights. He said to every one of us that we would be vote for the bill. That message also came from the membership of our party, so he has done the right thing.

The Conservative Party did it differently. I happen to disagree with that. I think it is a cop-out. I particularly feel that way with the Liberals. The Prime Minister said to Canadian to vote for him on the basis of equality, then he said to his own members that they would have a free vote. I do not like that and I do not think it is a good situation.

● (1700)

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, I am pleased to partake in this historic debate. Let me congratulate the member for Vancouver East who just spoke very eloquently on the issue, as well as the member for Burnaby—Douglas. This must be a very happy occasion for them, as it is for all gays and lesbians in Canada.

When we talk about Canada we must recognize that we are a collection of minorities. There is no majority in this country. Everybody belongs to a minority group to the extent that we might be in the majority one day, and we could very easily be in a minority position the next.

This issue deals with the rights of a minority. It was not that long ago when Pierre Elliott Trudeau declared that the government had no business in the nation's bedrooms, and homosexuality was actually legalized. It is important when we talk about the context of Bill C-38 that we talk about it in terms of two particular issues. We talk about the legal aspects and the Charter of Rights and Freedoms, but we must also talk about why Bill C-38 is good public policy.

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If we pass this bill, we will join two other nations in leading the world in inclusiveness. This is important because we are not talking about tolerance as we talk about this bill; we are talking about inclusiveness and what kind of country we as Canadians want.

The Charter of Rights and Freedoms has played such an important part in the debates on this issue and clearly the Supreme Court has ruled on the applicability of the charter. Let us consider why we have a Charter of Rights and Freedoms. The Leader of the Opposition mentioned some issues. Let me go through some of them.

We had the Asian exclusion act. We had the Chinese head tax. We had internment of Ukrainians and others from Austro-Hungary. We had internment of Italians and Germans. We had internment of Japanese Canadians. We had the almost forceful repatriation of Japanese Canadians after the second world war. We sent them back to Japan even though that country had been destroyed during the war and even though the atomic bomb had been dropped on Hiroshima and Nagasaki. I mention that because many of those people were Canadian born.

Of course, we all know about the SS *St. Louis*, a ship that was carrying Jews looking for refuge. Canada along with other countries in North America and South America turned them away. We know that we had a policy of none is too many for the Jews. We know that the colour barrier existed on immigration until 1977. We know that there was cultural genocide against our first nations. We know what happened with the residential schools. We know about the ban on potlaches and that big houses were outlawed. We know that women were not given the right to vote until 1917, and it was not until 1929 that the English privy council recognized women as persons.

• (1705)

In talking about the Charter of Rights and Freedoms, it is important to mention that Canada has a constitutional government. We are governed in terms of our Constitution. It is important to point out that subsection 52(1) of the Constitution states:

The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

That is important to understand. It means that the interpreters of the Constitution in our constitutional democracy are the courts and we leave questions relating to the Constitution to them. It was the courts that made the ruling that same sex marriage is indeed something that is desirable and legal and that for us not to adopt it would be discriminatory. We would have to use section 33 of the Constitution which deals with the notwithstanding clause.

The reason our Charter of Rights and Freedoms was enacted on April 17, 1982 is that it dealt with the recognition of the evolution of this country. It dealt with the recognition of how minorities had not been treated very well. It dealt with making sure that we learned from the lessons of the past and that as we looked forward to the future in terms of evolving as a nation, that we used the charter and the past as a guidance to the kind of inclusive Canada we want to build.

As a nation we pay a very heavy price for intolerance. Gay bashing still exists. Gays are still attacked and killed. There is a high rate of suicide among gays and lesbians in our country. Hate

propaganda still exists. I mention that because it is so very important for us to look at our country's history and a vulnerable group that has been stigmatized and victimized in the last 40 years has been allowed to come out of the shadows. We all know members of this House who are gays or lesbians. We know they are essentially the same kind of people as we are. We know they have the same kind of dreams that we have. We know that they have the same kind of love that we have, whether we are heterosexual or not.

When I talk about intolerance, let me use the example of Fred Phelps, the pastor of Westboro Baptist Church in Topeka, Kansas. After 9/11 he stated:

The Rod of God hath smitten fag America!At left is the filthy face of fag evil. [Hijacked and murdered American Airlines pilot] David Charlebois. One of the hundreds of fags and dykes and fag-/dyke-enablers working for American Airlines—

Most of us very strongly reject that type of commentary. Because of that kind of commentary we passed Bill C-250 which dealt with hate propaganda. We did that to protect a minority in our country, a minority that has been a vulnerable minority.

When I mentioned the price of intolerance and I mentioned suicides, gays and lesbians are seven to eight times more likely to attempt suicide than are heterosexual Canadians. About 30% of suicides in Canada are gays and lesbians, approximately 818 to 968 deaths per year. This is about 15 times the rate for heterosexuals.

• (1710)

Let me talk about why this bill is good public policy. It is good public policy because it recognizes gays and lesbians as people of the same sex who are involved in a loving relationship. It is indeed good public policy. Any time there is stability in a loving relationship it is good public policy. It helps people with their self-worth.

We as a society very much have an interest in promoting stability among couples. It is in our interests to be inclusive. It is also in our interests to accept the children of those parents who are in same sex relationships. That provides a great deal of stability.

There is a dichotomy of views in Canada. As we have been engaged in this debate it has been interesting to look at young Canadians, particularly those young Canadians who have grown up with the Charter of Rights and Freedoms. There was a series of articles in the *Globe and Mail* in 2003 which resulted in the book called *The New Canada*. It talks about the new face of Canada. One of the conclusions in the book is that we in Canada have the most inclusive young people in the world.

For example, about a year ago people were asked if they were in favour of same sex marriage. Of the people in the age group 18 to 34, 65% said yes. For people 55 and older, it was 32%. In response to the question whether they believed in protection of the charter for gays and lesbians, 81.2% of the younger generation said yes, while it was down to 56.1% for the older generation.

The issue we are dealing with is so very fundamental to our well-being as a country. I can only conclude with some comments from people who have written to our national newspapers.

This was written by Marie Morrison and appeared in the *Kitchener-Waterloo Record* on February 17:

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—same-sex marriage expresses concern about the well-being of children who are denied having both a mother and father. I feel the need to educate him and others who are concerned for the children of same-sex marriages or relationships. Research on this issue has found that children raised by same-sex parents develop and adjust just as well as those raised by opposite-sex parents. In 2002, the American Psychiatric Association released a position statement that optimal development for children is not based on the sexual orientation of the parents, but on stable attachments to committed and nurturing adults. My partner and I are the loving same-sex parents of a child and are very committed to his emotional, physical, spiritual and social well-being. He is surrounded by friends and family who love him and who accept and support his family. My greatest concern regarding the well-being of our son is that his exposure to biased and intolerant opinions and attitudes regarding family diversity will cause him to doubt himself and the validity of his family.

● (1715)

On Friday there was an opinion piece in the *Toronto Star* that was written by Matthew Eaton-Kent, 17 years old, a grade 11 honour student and an avid athlete. He lives with his two moms, 14 year old sister, two dogs and one cat in Halton Hills just outside of Toronto. I am going to read part of his submission:

That's how it has always been in my family. One of my mother's celebrates Mother's Day while the other celebrates Father's Day. Sure, it was a bit awkward at school but it didn't make my family any less of a family. In fact we kids thought it was a great way to recognize both of our moms.

However, there is something that makes my family different from a lot of families. The difference is that my parents have never been married. The reason my parents have never been married is not because they don't want to but because, by law, they couldn't. Their relationship was not recognized because marriage was defined as between a man and a woman.

It has been very hurtful to my parents, the gay community and believers in human rights that there has been so much opposition to same-sex marriage. It's been hurtful to my sister and me, too. Very hurtful!

Personally I am perplexed by the extreme opposition to changing the definition of marriage so it can include unions between two people, any two people. As someone born into a generation of political correctness and void of any blatant racism, sexism or xenophobia, it is hard to deal with the hateful nature of the opponents of same-sex marriage.

I am not sure why they don't view the love of my parents as equal to the love between two people of the opposite sex. If they question the commitment, they should note the 27 years my parents have spent together and the way they have cherished my sister and me.

I find a lot of the hate and opposition comes from many of the institutions that promote peace, love and understanding. Some churches have fought the right of same-sex couples to marry. I wish they would look back in history to a time when religious freedom was jeopardized. People who were historically persecuted are all too willing to be prejudiced, all in the name of God.

I am a teenager growing up in an era of equality, an era where blacks are equal to whites, where a man is equal to a woman. This era should include same-sex marriage and my parents. All of us are made in the image of God, are we not?

As we participate in the debate and as we deal with the legislation, we, as members of Parliament, have an opportunity to send a message to our fellow Canadians. That message is that people like Matthew Eaton-Kent, 17, and his 14 year-old sisters and all those other people in Canada who have felt stigmatized and discriminated against are welcome to our inclusive Canada.

This debate is about nothing more and nothing less. Are we, as Canadians, ready to step forward and become an inclusive country, not a tolerant country where we put up with others, but an inclusive country where we recognize and embrace each other's differences?

Mr. Garry Breitkreuz (Yorkton—Melville, CPC): Madam Speaker, I appreciate the opportunity to pose a question to my colleague across the way.

One of the key points that he made as he built his argument at the beginning of his speech was that Canada is a constitutional democracy. I would like to point out to him that the Supreme Court, in one of its recent judgments, said that our charter and Constitution are living, breathing documents. In other words, if we take that statement at its value, it makes it absolutely clear that the Supreme Court feels the charter and Constitution can be changed easily. By that, I mean that it can be interpreted, depending on who does the interpretation.

I would like to point out to the member that one of the reasons we have a Constitution is to provide for stability, to provide for security in society, and to give people the assurance that changes that could be detrimental to society will not be easily invoked.

I would like to ask the member, is the reason that we have a Constitution and charter not to provide stability to those institutions on which society has been built?

● (1720)

Hon. Andrew Telegdi: Madam Speaker, we always had a Constitution. The charter is a relatively new addition. However, sure it can be changed. Things can be changed. That is why we are here as members of Parliament.

The fact that we took away the colour barrier to immigration was a good thing. All Canadians recognize that to be the case. The fact that we would no longer intern Canadians because of where they came in time of conflict is a very good thing.

The Constitution is a living document and it evolves, just as our society has evolved. The fact that women have the vote, surely my colleague would agree with me that it is a good thing.

The real question in terms of our Constitution is who should make the decision when it comes to the question of rights. Should it be the politicians or should it be the courts? Our Constitution says it should be the courts.

When I named all those injustices that have occurred in the past, it is important to remember that it was done collectively by politicians. It was not done by the judiciary. It was done by politicians that can be referred to as the capriciously elected.

When the question comes to rights, we have to recognize and applaud the fact that we have a Charter of Rights and Freedoms and celebrate the fact that in our country it is the courts that are the guardians of rights.

Mr. Jim Prentice (Calgary Centre-North, CPC): Madam Speaker, I wish to pose a question to my friend with respect to the subject of freedom of religion. I note that the bill in clause 3 states that it is recognized that officials of religious groups are free to refuse to perform marriages that are not in accordance with their religious beliefs. As we all know freedom of religion is referenced in section 2(a) of the charter.

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I would ask my friend if he could elaborate on freedom of religion and how it relates to this legislation with respect to not only what is in the Constitution but also to what the Supreme Court of Canada has said about freedom of religion. It stated:

The right to freedom of religion...encompasses the right to believe and entertain the religious beliefs of one's choice, the right to declare one's religious beliefs openly and the right to manifest religious belief by worship, teaching, dissemination and religious practice...The performance of religious rites is a fundamental aspect of religious practice.

The protection of religious freedoms is one of the fundamental aspects of Canadian society. If one does historical research, it is clear that one of the very first statutes that was passed with respect to the British North America was in fact the freedom of worship act passed in 1774.

Therefore, protection of freedom of religion has always been a fundamental aspect of our constitutional arrangements. I think it is an important aspect of this debate. It is important that we all stand in defence of religious freedoms. I wonder if my learned friend would be able to address that subject in the context of his remarks.

Hon. Andrew Telegdi: Madam Speaker, let me congratulate my colleague from Calgary Centre for his stand on this particular issue. I know it is not always easy to stand alone or to stand with very few people in his party because he is standing up for what he believes to be right. I congratulate him on that.

On the issue of religious freedom, I think it is imperative that religious freedom be maintained. The courts have done that. To me religious freedom is a very important issue. I will go back to my days when I was living in Hungary under a communist dictatorship. I used to rise and attend three masses every Sunday morning, even though the state frowned upon it. I looked upon Cardinal Mindszenty who was the real focus of resistance against Stalin and the communist dictatorship. Freedom of religion is something that I have greatly appreciated and will fight for.

There is no question that the ruling has protected freedom of religion. Essentially, this bill has increased freedom of religion. The reason I say that is because some religions believe that they should be able to marry same sex couples. The United Church has come to that conclusion. The Unitarian Church has taken that direction and today we have debate in many of the churches. The latest is the debate in the Anglican Church. Who knows, they might even expel the Canadian congregation because of this debate on same sex marriage.

I believe that Bill C-38 enhances religious freedom. It allows churches that previously were not able to marry same sex couples to do so. Also, it puts the debate where it belongs.

There is a limitation on what governments can do. This is where churches and other institutions become very important. By that, what I mean is we can pass laws that thou shalt not kill thy neighbour and that thou shalt not assault thy neighbour. However, we in this chamber can never pass a law that thou shalt love thy neighbour. That can only be done by other institutions in our society, churches being one of them.

People have no need to fear in terms of religious freedom. This bill is very consistent with religious freedom. It also enhances religious freedom by giving the churches, the temples, the gurdwara,

and the synagogues an opportunity to debate if they are going to allow same sex marriage within their institutions, yes or no. The decision will be made by the congregation and that is where the debate fully belongs, not in terms of a secular government. We have to embrace all Canadians and also appreciate their differences.

● (1725)

Mr. Bill Siksay (Burnaby—Douglas, NDP): Madam Speaker, I wish to congratulate the member for his very moving and eloquent speech. I also wish to express my appreciation for his support of the gay and lesbian community over many years, and also his outstanding work in terms of equality in general during his many years here in Parliament.

I want to ask the member a question about an issue that has come up. A number of members in the debate have suggested that Canada might be one of the few countries moving toward recognizing civil marriage for gay and lesbian people and that not many other countries have done that yet, and that somehow this represents a problem for Canada. They have suggested that this should be a reason that we hold back on this issue.

I wonder, given his comments about Canada leading the world in inclusiveness, if he might tell me if he thinks that leading the way on this particular issue is a problem or an opportunity for leadership?

Hon. Andrew Telegdi: Madam Speaker, it is very much an opportunity to show leadership. It is a dramatic differentiation between ourselves and our neighbours to the south who have taken a different stance. In some parts of this world gays and lesbians are executed for no other reason than because they are gays and lesbians. In terms of us showing leadership, far beyond tolerance to inclusiveness is a good thing. I think it will help make for a better world.

Mr. Jason Kenney (Calgary Southeast, CPC): Madam Speaker, I rise on behalf of my constituents to address one of the most important debates ever to take place in this Parliament. The bill before us concerns the meaning of marriage, but I will argue that it is more broadly about the meaning of language, the nature of our society, the power of the state, the welfare of children and the future of the central human community: the family.

The bill seeks to change fundamentally the meaning of an institution that has existed in every civilization through all of recorded history, an institution that predates the state itself. In so doing, the government undertakes a radical social experiment, whose consequences on children, social stability, religious freedom and civil society are both unseen and unknowable. It does so against the collective wisdom of millennia of human experience, which G.K. Chesterton called the democracy of the dead. It does so against the consensus of the family of nations, against the demonstrable will of the Canadian people and against the express will of this Parliament.

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The onus is, therefore, squarely on the government to justify this unprecedented and illiberal imposition of state power to undo the ancient meaning of a universal human institution. I submit that the government has demonstrably failed to discharge this onus. In fact, the Prime Minister and the Minister of Justice have offered only one argument ad nauseam to justify the redefinition of marriage, namely, that the exclusivity of marriage as it has always and everywhere been known constitutes a violation of fundamental human rights and the Charter of Rights and Freedoms, therefore, requires that gays and lesbians be admitted to marriage.

The reason for its narrow defence is obvious. The government knows that the vast majority of Canadians, two-thirds in the most recent polling, intuit that the essence of marriage is about the complementarity of the sexes. Rather than trying to persuade Canadians that their deeply held understanding of human nature does not comply with the latest political fashions of post-modern liberalism, the government seeks to play a trump card called human rights, the desired effect of which is to de-legitimize any opposition to the radical project as contrary to human dignity and Canadian values.

This strategy, in my submission, cheapens the precious currency of human rights by seeking to inflate an ordinary political demand into a requirement of fundamental justice. Let me be clear. If I were to conclude that traditional marriage constituted a violation of authentic human rights and that fundamental justice required this change in the meaning of marriage, I would be a fervent advocate of this bill regardless of the political cost.

Indeed, the core principle of my own political vocation is this: the inviolable dignity of the human person and the transcendent obligation to do justice and to promote the common good. These principles admit no exception for people's sexual orientation.

I believe I understand the complex and often painful social reality faced by many gays and lesbians in Canada. I acknowledge that too many of our fellow citizens have faced injustice and prejudice because of their sexual identity. I realize that too often people of traditional religious mores bring dishonour to themselves and their faiths by harbouring hatred rather than love toward homosexuals, forgetting that all of God's children are created in His image.

I recognize that some of us, and I include myself in this, who have sought to defend the natural family in politics have been sometimes insensitive to the real social marginalization experienced by many due to their sexual orientation. For these reasons I can sincerely appreciate the motivation of many gay and lesbian Canadians to seek the social approbation that they believe will come with access to marriage.

I understand that they regard the exclusive nature of heterosexual marriage as denying them access to an important social institution. Indeed, if marriage were simply about the state granting recognition of intimate adult relationships, I believe I could probably grant the legitimacy of the argument from rights. However, I believe that marriage has an infinitely deeper and richer meaning, a meaning hard-wired into human nature, a meaning that is in its very essence about the complementarity of the sexes and their unique power to transmit life.

In sum, the social, cultural and historical evidence leads to one conclusion: that marriage is tautologically a heterosexual institution. It therefore cannot constitute, in my view, unjust discrimination to limit the application of the word "marriage" to those relationships which it essentially describes. There is no fundamental right to nomenclature, not in Canadian jurisprudence or anywhere else in the liberal democratic world.

• (1730)

In this respect, permit me to quote at length an important Canadian authority on the meaning of marriage and its relation to the rights claims that constitute the government's only argument for the bill:

(There is) a universal pattern of marriage that has existed historically and across cultures. This universal pattern demonstrates that the *raison d'être* of marriage has been to complement nature with culture for the sake of the intergenerational cycle. Across world religions and throughout small-scale societies, the universal norm of marriage has been a culturally approved opposite-sex relationship intended to encourage the birth and rearing of children. While there may be a few examples of "same-sex marriages" from some societies, there has never been a same-sex marriage norm. From a cross-cultural perspective, "same-sex marriage" is without a commonly understood meaning, as it lacks the universal or defining feature of marriage according to sociological (religious), historical and anthropological evidence...

Marriage is unique in its essence, that is, its opposite-sex nature. Through this essence, marriage embodies the complementarity of the two human sexes, playing a foundational role in Canadian society. (It is) a pre-legal concept that has existed since time immemorial. Marriage is not simply a shopping list of functional attributes but a unique opposite sex bond that is common across different times, cultures and religions as a virtually universal norm. In effect, marriage is not truly a common law concept, but one that predates our legal framework, through its long existence outside of it. The Canadian common law absorbed this opposite-sex requirement of marriage to underpin the myriad of federal and provincial legislation relating to it...

Preserving the definition of marriage as the descriptor of this opposite sex institution is not discriminatory....

Same-sex marriage is an oxymoron, because it lacks the universal or defining feature of marriage according to religious, historical, and anthropological evidence. Apart from everything else, marriage expresses one fundamental and universal need: a setting for reproduction that recognizes the reciprocity between nature...and culture....

The legal definition of the word cannot be changed without creating "an unacceptable cleavage between ordinary usage and the legal meaning; moreover, such redefinition is in conflict with the normal use and development of language"....

As overwhelmingly demonstrated by the evidence, marriage is universally understood, across time, societies and legal cultures, as an institution to facilitate, shelter and nurture the unique union of a man and a woman who, together, uniquely, have the natural capacity to have children. The greatest number of children continues to be both the offspring of marriage and brought up by their parents.

The meaning of marriage seeks to recognize, by its very essence, a particular kind of relationship, albeit one that corresponds to the characteristics of a majority, as opposed to a minority group. Nevertheless, as a definition, it remains uniquely suited to, and corresponds with, the particular needs of that group. It would represent a formalistic approach to equality to require identical treatment with respect to the definition of marriage.

In sum, the definition of marriage does not infringe s.15(1) of the Charter... because the distinction it draws does not amount to "discrimination." While the definition distinguishes on the basis of sexual orientation, the distinction is not the product of stereotypical categorizations or assessments of the relative worth of individuals. Instead, marriage differentiates only on the basis of capacity or need, and thus it does not come within the range of invidious distinctions which s.15(1) was designed to eliminate.

Every word that I have just cited comes from the factums filed by the government's Attorney General, the current Deputy Prime Minister, before the Ontario Superior and Appeal Courts in the Halpern case.

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These arguments and this evidence constituted the official position of the government only 24 months ago, the same government that now claims that traditional marriage constitutes a violation of fundamental human rights.

• (1735)

I submit that this is cognitive dissonance writ large. These arguments amplify the last opinion of the Supreme Court of Canada on the constitutionality of marriage in Egan in which Mr. Justice La Forest, speaking for himself and four other justices, famously declared that:

Suffice it to say that marriage has from time immemorial been firmly grounded in our legal traditions, one that is itself a reflection of longstanding philosophical and religious traditions. But its ultimate *raison d'être* transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship. In this sense, marriage is by nature heterosexual. It would be possible to legally define marriage to include homosexual couples, but this would not change the biological and social realities that underlie the traditional marriage.

The marital relationship has special needs with which Parliament and the legislatures and indeed custom and judge-made law have long been concerned. The legal institution of marriage exists both for the protection of the relationship and for defining the obligations that flow from entering into a legal marriage. Because of its importance, stability and well-being of the family and, as such, as Gontier J. argued in *Myron v Trudel*, Parliament may quite properly give special support to the institution of marriage.

That was the last statement on the constitutionality of marriage by the highest court in our land.

The Supreme Court pointed out in Egan that the special status according to opposite sex marriage “does not exacerbate an historic disadvantage (of same sex couples); rather it ameliorates an historic economic disadvantage...” faced by married couples because of the transactional costs associated with raising children.

It would also be helpful to recall the insightful judgment of Mr. Justice Pitfield of the British Columbia Supreme Court in *EGALE v the Attorney General* rendered in 2001. While his judgment obviously does not carry the same weight as the Supreme Court precedent in Egan, his analysis I believe is trenchant. Judge Pitfield said:

While, in the recent past, same-sex couples have been accorded many of the rights and obligations previously reserved for married couples, the one factor in respect of which there cannot be similarity is the biological reality that opposite-sex couples may, as between themselves, propagate the species and thereby perpetuate mankind.

...Marriage remains the primary means by which mankind perpetuates itself in our society..., The state has a demonstrably genuine justification in affording recognition, preference, and precedence to the nature and character of the core social and legal arrangement by which society endures.

The legitimacy of the state's interest in marriage is beyond question. There is no need for scientific evidence. The importance of the essential character of marriage to Canadian society is a matter of common sense understanding and observation....

That was a brilliant assessment. Now it is true that Judge Pitfield's considered decision was later overturned at the B.C. court of appeals but it is equally true that the above cited Supreme Court declaration on the constitutionality of marriage stands as the last word on this question, notwithstanding the shockingly cavalier attitude of certain lower courts to reject the principle of *stare decisis* as manifest in Egan.

We now find ourselves at this bizarre impasse where the federal government is claiming that it is compelled to take complete

ownership of a primordial, pre-legal institution that belongs to civil society and, I submit, not the state, and to fundamentally change its meaning by the warrant of a handful of replicated lower court decisions rendered in total disregard of the normal restraints inherent in the development of common law and disregard of the judgment of the Supreme Court and in disregard of the will of this Parliament.

Canadians ask how we find ourselves here at this point. The answer is clear. The government failed in its duty to ensure constitutional clarity on this question through its irresponsible decision not to appeal the Ontario Appeal Court decision in Halpern and in other critical cases such as Rosenberg.

Having so failed, the government then decided to frame a reference question that it hoped would elicit its desired outcome, namely a Supreme Court finding that marriage was unconstitutional, which would give the Prime Minister the ability to force the current bill on Parliament as a constitutional obligation while washing his hands of any political responsibility for undoing the meaning of marriage.

Of course, we now all know that the justices of the Supreme Court refused to be used in this political stratagem and pointedly declined to declare *ex cathedra* the unconstitutionality of marriage.

Now the government has been undone by this unexpected act of judicial restraint. Its response has been to dissemble and claim through tortured logic that notwithstanding the court's refusal to nullify marriage, the court did it anyway.

There has been much deliberate confusion on this point by the Minister of Justice, from whom I expect more. To set the record straight I want to read directly from the court's response. Question No. 4 reads:

Is the opposite-sex requirement for marriage for civil purposes...consistent with the Canadian Charter of Rights and Freedoms? If not, in what particular or particulars and to what extent?

The answer reads:

The Court exercises its discretion not to answer this.

• (1740)

In its detailed reasons, the court effectively chastised the government for trying to pass the buck, pointing out that “the federal government has stated its intention to address the issue of same-sex marriage legislatively regardless of the Court's opinion on this question”. The court also openly speculates on the possibility of a yes answer to the question, which would affirm the constitutionality of heterosexual marriage, saying that this would “throw the law into confusion”.

Notwithstanding all of this, the Prime Minister refuses to take ownership of his decision to change the meaning of marriage and now he refuses to discuss the real issues at play, such as the impact of this decision on social stability and continuity, the relations between the sexes, the encroachment of the state into a sanctuary of civil society, and the ancillary effects on the free exercise of religion, et cetera.

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What does he do? He creates a distraction and a bogeyman called the notwithstanding clause, arguing that the proponents of marriage secretly wish to invoke the clause in order to jeopardize all of Canadians' fundamental and acquired rights. There is one word that appropriately describes this cynical strategy on the part of the Prime Minister: demagoguery, defined as the impassioned appeal to the prejudices and emotions of the populace.

Let us be clear. Were Parliament to exercise its constitutional authority to define the limits of marriage as contemplated in this bill, but to define it in accordance with its essential and universal, i.e., heterosexual, sense, such a statutory declaration would immediately trump the various provincial court common law decisions that have redefined marriage.

Would the constitutionality of such a statute then be challenged? Almost certainly. Would it survive such judicial scrutiny? If the Egan court were to answer that question, yes, it would.

Some self-styled experts have argued that the unconstitutionality of marriage is now settled law, but these same experts, members of what has been called the court party, embarrassed themselves in predicting a clear negative answer to question number four in the reference.

I, for one, believe that the Canadian judiciary would exercise far greater care and restraint in nullifying a statute adopted by Parliament than it has in changing the common law.

I would also like to point out that indeed it was Liberal Prime Minister Pierre Trudeau and Liberal Prime Minister Jean Chrétien who in 1981 ensured the incorporation of the notwithstanding clause in the charter and its applicability to Parliament. They chose to do so. They also chose, parenthetically, to veto an effort to include the term sexual orientation as enumerated grounds under section 15 because of the ambiguity of definition of that term and the potential that it could be misinterpreted by courts to create positive rights such as the one enshrined in this bill.

Finally, the current Prime Minister, I submit, implicitly voted for invocation of the notwithstanding clause in this place in 1999. The motion that he and the rest of the government voted for read: "That, in the opinion of this House, it is necessary, in light of public debate around recent court decisions, to state that marriage is and should remain the union of one man and woman to the exclusion of all others, and that Parliament will take all necessary steps" within the jurisdiction of Parliament "to preserve this definition of marriage in Canada".

We heard the current Deputy Prime Minister quoted as saying that for the record the government has no intention of changing the definition of marriage or of legislating same sex marriage in that debate, but here is the point. Some Liberal MPs voted against the motion at that time because they thought that "all necessary steps" implied invocation of the notwithstanding clause to preserve marriage. The Prime Minister nevertheless voted for it and therefore I submit ought not to make a phantom issue of notwithstanding on this issue.

I want to move on to the question of fundamental rights, because that is really what is at the heart of the government's argument. Nowhere in any of the principal human rights statutes of the world is

there to be found a grounding for so-called same sex marriage, not in the Universal Declaration of Human Rights, not in the declaration of the rights of man, the bill of rights, the European Convention on human rights, the Canadian Bill of Rights or the Organization of American States covenant on human rights. To the contrary, many of these foundational documents of human rights law enumerate a specific right to marriage in the exclusively heterosexual sense.

• (1745)

I know that I must draw to a close. I simply point out that if the government is consistent in its position, then it will have to take leave to seek to appeal the UN covenant on human rights and other major international human rights instruments because they speak explicitly to the heterosexual definition of marriage, which I believe—

• (1750)

The Acting Speaker (Hon. Jean Augustine): Questions and comments.

Resuming debate, the hon. member for Mississauga South.

Mr. Paul Szabo (Mississauga South, Lib.): Madam Speaker, I want to start by saying how pleased I am that members have continued to come before this place in a manner which reflects their beliefs and their concerns about a very important piece of legislation which has the potential to affect all Canadians.

In the first part of my speech, I would like to deal a little with our charter. I want to then get into a case in B.C. in 2001 which reached one conclusion and then I will get into the Halpern case, which in fact reached quite a different conclusion. Then I want to look at some of the potential implications both on the family and with regard to religious rights.

Canadians are very proud of our Charter of Rights and Freedoms. When it came in in 1982 it became a document which, together with our Constitution, ultimately defines who we are in Canada. It defines our values. Included in it is a guarantee of rights and freedoms. Those fundamental freedoms, which I would like to read into the record, are as follows:

2. Everyone has the following fundamental rights and freedoms:

- a) freedom of conscience and religion;
- b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- c) freedom of peaceful assembly; and
- d) freedom of association.

The charter then goes on in section 3 to outline our democratic rights, our right to vote and the right for a Parliament to sit.

Section 6 deals with our mobility rights. This is extremely important and is very characteristic of Canada. It states:

Every citizen of Canada has the right to enter, remain in and leave Canada.

We are mobile. It states:

(2) Every citizen of Canada and every person who has the status of a permanent resident in Canada has the right

- a) to move to and take up residence in any province; and
- b) to pursue the gaining of livelihood in any province.

We are free to move around this country and to enjoy all of the benefits that Canada gives us all.

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Section 7 deals with our legal rights. It states:

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.

It goes on to lay out more details with regard to those rights.

Then there are the equality rights under section 15. This is most specifically important to the case before us and the bill before us. It basically says that we are all equal under the law to its benefits and to its protection. I will get into that a little more.

The charter also provides that we are a country of two official languages. It also provides under section 23 minority language education rights.

In addition to the enforcement of this and the general provisions of the charter, there is section 33, which is also going to be important in terms of the assessment of the implications of this bill. It is one of the most misunderstood sections in the charter. It is called the notwithstanding clause. It is part of the charter and yet it has been described by some as being a draconian instrument, as somehow a bad thing. Yet it is in my view the only tool that Parliament has to make sure that Parliament remains the highest court in the land, even above the Supreme Court of Canada.

The charter protects all of us. Some have said that this is an issue of minority rights. We are all minorities in some way; it protects us all. That is its most brilliant feature: that we are all one.

As I mentioned earlier, subsection 15(1) is quite important to this debate. It states:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination...

• (1755)

There are, however, two substantive exceptions to that equality provision. The first, as I mentioned earlier, is section 33 of the charter, commonly referred to as the notwithstanding clause. It permits an act of Parliament or legislature to continue to operate for up to five years. It basically is a holding pattern. It says that we are not going to deal with the charter implications right away, that we are going to let this law continue until we can stand back and look at the substantive or broader implications that changing that law may have.

The second broad exception is found in section 1. Section 1 reads:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

It states very clearly that our rights and freedoms are guaranteed, but what if there is a conflict? And there is in this case: there is a conflict between the benefits to society of extending marriage to same sex couples versus the consequences or the implications of not doing it. What does it mean? What are the implications?

It is this section 1 which was used until 2003 to justify why the definition of marriage could exclude same sex couples; it is the section 1 analysis about the benefits versus the negative consequences of making that change.

For many years, cases have been fought before the courts to challenge the definition of marriage as being unconstitutional. In the fall of 2001, one such case was heard by the Supreme Court of British Columbia. I will lay out a couple of the points here.

In that case, the Attorney General of Canada argued the point that the objective of limiting marriage to opposite sex couples is sufficiently important to warrant infringing on the rights of same sex couples. The next point was that the purpose of marriage is to provide a societal structure for the procreation of children in order to perpetuate Canadian society.

It was also argued that there was a rational connection between the objective and the limitation of marriage to opposite sex couples, because it is by such relationships that procreation occurs. It also was stated, having considered the implications, that the law minimally impairs the rights of same sex couples.

The Attorney General also argued that denying the legal status of marriage to same sex couples deprives them of the marriage label but does not deprive them of other rights or other obligations derived from marriage, and that is a very important distinction. Finally, it was argued that the gain to society from the preservation of the deep-rooted and fundamental legal institution of opposite sex marriage outweighs the detrimental effect of the law on same sex couples.

These were the arguments laid forward by the Attorney General of Canada in the 2001 case. The presiding judge was the Honourable Mr. Justice I.H. Pitfield. In his judgment, he agreed with the arguments put forward by the Attorney General of Canada. He further noted that the authors of the Constitution—and this is important—recognized the inherent discrimination in marriage and divorce and comprehended that these matters were of such a pressing, substantial and national importance that they assigned exclusive jurisdiction over them to the federal Parliament. This basically said that marriage and divorce were so important to Canada, to our society, that their jurisdiction was going to be for the federal Parliament, the highest Parliament.

In his interpretation of the law, Justice Pitfield also opined that he did not understand the law to be that the charter could be used to alter the head of power under subsection 91(26) of the Constitution Act, so as to make marriage something it was not. He basically questioned whether or not the charter could be used to alter the intent, the understanding and the comprehension of the Constitution Act.

He went on to say that other than the desire for recognition and acceptance of homosexual relationships, there is nothing that should compel the equation of a same sex relationship to an opposite sex relationship when it is a biological reality that the two can never be the same.

Government Orders

In his opinion, the issue before the court really had nothing to do with the worth of any individual, but was rather whether marriage must be made something it is not in order to embrace other relationships, a very interesting way to put it. Concluding that the benefits associated with preserving marriage for opposite sex couples far outweighed the negative consequences of denying same sex marriage, the court ruled that the infringement on the equality rights of same sex persons is reasonably justified under section 1 of the charter.

● (1800)

In July 2002 in the *Halpern v. Canada*, the Ontario Supreme Court heard a similar case challenging the existing definition of marriage. Just a year earlier we had the same case come before the B.C. court. Now we are before the Ontario Court of Appeal.

Effectively, the case discredited heterosexual marriage by citing divorce rates and the growth of common law relationships. It also dismissed the importance of the ability to procreate, citing the availability of reproductive technology such as artificial insemination, in vitro fertilization, surrogacy and adoption, to name a few. By the flavour of the court case and the arguments being made, all of a sudden we are challenging what happened in the B.C. court decision by looking at marriage and the distinctive characteristics of marriage, and trying to discredit them to the point that it might tip the balance in terms of the section 1 analysis of the charter.

On June 10, 2003, the court concluded that the existing legal framework was discriminatory, since it failed to provide fair public recognition of gay and lesbian unions. The decision also stated that the infringement could not be demonstrably justified under section 1 of the charter, citing that the exclusion of same sex couples from the right to marry served no identifiable, pressing or legitimate government objective.

In my view, this view summarily dismisses the relevance of marriage to any aspect of the social well-being of Canadians, which in fact is one of the reasons why we are here. It is to protect the health and well-being of all Canadians, especially our children, so that I would absolutely disagree with the statement of the judge.

More specific, and I would like to read right from the decision of Justice Smith, in the first two points of the decision. He said first of all under:

—to declare the common law definition of marriage as the “lawful and voluntary union of one man and one woman to the exclusion of all others” to be constitutionally invalid and inoperative...

We understand that. Here is one that really interests me. Then he said, “I would suspend the operation of the foregoing declaration”, that is the unconstitutionality of that definition, “for a period of 24 months to enable Parliament (and, where applicable, the provincial Legislature) to create its own remedial provisions in this area consistent with the requirements of the Charter”.

The Ontario Court of Appeal extended a 24 month period of abeyance on the unconstitutionality of the definition of marriage so that Parliament and legislators could sort out some of this. It was contemplating, it was begging us to look at this, because this was such an important change. Why the Department of Justice decided that it was not appropriate to appeal this decision or to address the

point raised by the courts is beyond me. It was the biggest mistake that ever could have been made.

We should consider, for instance, what we go through in the referendums on Quebec separation. We have a referendum and the people and say no. We have another referendum and the people say no. Then we have another one, and if they say yes, then it is all over. There are no more referendums. That is exactly what I think has happened here. We have a series of court cases, all arguing the same issue about the constitutionality of the definition of marriage and the infringement on the equality rights of gays and lesbians. However, this one changed it, notwithstanding that there was a series of decisions that said it was a justifiable infringement on the rights, one decided to say let us have a look at this. That was the Ontario Court of Appeal.

At that very point, we should have appealed it or there should have been a mechanism whereby the courts across the land, all the stakeholders who had made these decisions, should have had an opportunity before the Supreme Court to argue their case with regard to the section 1 analysis. The issue is whether or not there is proportionality and whether or not the detriment to one party is offset by the gain to the other. Is it reasonably justified? Section 1 is all about that.

● (1805)

The court strikes down the existing law of marriage as discriminatory and redefines marriage as a union of two persons. Then, following that, there were six other provincial courts and another territorial court which came up with copycat decisions. It was not new and different. It was just a domino effect. Somebody had to make the statement. It shows that they were just waiting for someone to make the move.

That is why all those arguments should have been brought together under one umbrella, and a discussion should have taken place on what were the implications and what was the section 1 analysis. Parliament and every court across the land should have been involved in that very important decision.

In assessing the Ontario Court of Appeal decision, Justice Robert Blair warned that the legal redefinition of marriage would not be an incremental change but a profound one, with extremely complex consequences. These include touching the core of many people's beliefs and value systems, resulting in social, political, cultural, emotional and legal ramifications.

This ominous assessment calls for reasonable pause to consider the possible need to invoke the notwithstanding clause. Since the beginning of recorded history, the history of marriage has been an opposite sex social institution which has numerous defining characteristics beyond companionship and intimacy of two people.

Let me talk about marriage.

Government Orders

Marriage promotes the bonding of men and women and the creation of a stable and durable partnership of life and property. It recognizes the interdependence of men and women. It embodies the spiritual, social, economic and contractual dimensions. It reflects a commitment to fidelity and monogamy. It serves as an optimal societal structure for birthing and rearing of children, at least to the extent necessary for perpetuating society. It provides for mutual support between men and women, supports the birthright of children, promotes bonding between men and children, guides the transformation of children into young men and women who are readying themselves for marriage and the beginning of a new cycle, and grows the family tree and develops broad supports and securities for all members.

The potential change to the parent-child bond and the resulting effect on society is incalculable. Members should know that lone parent families represent 15% of all families in Canada, but they account for 54% of all children living in poverty. That is what happens when there is not have a mother and a father in the household. We also know the biological parents usually protect and provide for their children more effectively than non-biological ones.

There are also clear possible effects on religious rights which are now going to be more difficult to defend. Even though the religious officials will not be forced to marry them, there will certainly be court challenges. There are already hints that the courts are willing to privatize religion or restrict the values of religious institutions.

Finally, I believe that the redefinition constitutes a radical societal change. It may not have immediate societal consequences, but over time it could have enormous implications. This is not just about the infringement of rights of gays and lesbians. It is also about diminishing the relevance of the most important social institution of our society, and that is marriage.

In my opinion, the potential for material and adverse consequences is so great that we should take the time to more fully assess the broader implications of this fundamental change to families, children and religious freedoms.

With respect, my view is that Bill C-38 should not be passed and that the notwithstanding clause under section 33 of the charter should be invoked to provide Parliament with the time it needs to make a fully informed decision.

Mr. Jason Kenney (Calgary Southeast, CPC): Madam Speaker, I commend my colleague opposite for his remarks. At the close of my speech I was cut short. I was trying to make an important point about the norm in international human rights law with respect to marriage.

I would like to offer a couple of citations and ask my colleague to respond to them. I will cite from the Universal Declaration of Human Rights from 1948, article 16:

Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family.

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

I repeat that it says “men and women”.

The International Covenant on Social, Economic and Cultural Rights of the United Nations in article 17 recognizes, “The right of men and women of marriageable age to marry and to raise a family”.

The International Covenant on Civil and Political Rights of the United Nations recognizes in article 23(2), “The right of men and women of marriageable age to marry and to found a family”.

The European Convention on Human Rights, article 12, says, “Men and women of marriageable age have the right to marry and to found a family according to the national laws governing the exercise of this right”.

The covenant on the rights of the family says as well that there is a prior right for men and women to marry and to found a family.

I would like to ask my colleague opposite if this bill should pass and if it becomes the policy of the Parliament and the Government of Canada that the maintenance of exclusive heterosexual traditional marriage constitutes a violation of human rights, does he believe the government will then seek to amend all the major international rights documents which explicitly enshrine heterosexual marriage and define marriage as a union between a man and a woman?

● (1810)

Mr. Paul Szabo: Madam Speaker, I have listened carefully to the debate since the beginning. I must admit that this aspect of whether this is a human right has been used by some to suit their own purposes.

In these debates I have heard two different references. The first has to do with the Canadian Human Rights Act. It has to do with the document which we amended some time ago to include sexual orientation as a prohibited grounds for discrimination. If we are talking about Canadian human rights, we are not talking about what the member just asked. What we are talking about is international human rights, as we would understand it. No law, no covenant, no country recognizes this as an international human right.

Furthermore, one that has not been talked about enough, and I want to put it on the record, is that we have to consider children's rights, which are recognized by the United Nations Convention on the Rights of the Child. More specific, do they have the right to know who their biological parents are and to be raised by them?

We should be talking about the rights of children, about the international human rights which are not applicable in this case.

Mr. Loyola Hearn (St. John's South—Mount Pearl, CPC): Madam Speaker, I listened intently to the hon. member, I congratulate him on a pretty good speech.

We have heard a couple of things in the debate on this issue that I think have perturbed more people than anything else. The first is on rights, that we are depriving people of their rights if we do not pass this legislation. I would like to know what the member thinks about that.

Government Orders

The other is the fact that we look upon marriage as the union of one man with one woman. Throughout the world this is basically the accepted norm. Of all the countries that have looked upon same sex marriage and the possibility of introducing it, only two countries in the world have gone along with it. Does the member not think that if it is such an abuse of rights that more countries would have accepted the same sex marriage situation than has happened?

Mr. Paul Szabo: Madam Speaker, certainly the question is valid with regard to rights.

We all understand that since the Constitution and the charter have come in, there has been an infringement on the rights of gay and lesbian persons because they have not had access to the institution of marriage. That is true. It always has been, right from the beginning. It is not something that was imposed as we went along. It is something that was enshrined when the Constitution was first crafted. The authors of the Constitution and the charter acknowledge that. They knew and comprehended it, but they felt that they were not going to put sexual orientation as a prohibited ground for discrimination even within the charter.

Yes, there is a rights violation. It has been acknowledged by every court in every case. The issue is whether or not the infringement on those rights is reasonably justified in a free and democratic society. This is a section 1 analysis. It is a question of what one does when virtually every mainstream religion defines marriage as between a man and a woman. It has some consequences when the laws of Canada will now say it is two people. It is a very delicate balance and the courts, until the Ontario Court of Appeal decision, basically said that on balance the infringement was reasonably justified. The Ontario court decided that the balance had shifted.

• (1815)

Mr. Jay Hill (Prince George—Peace River, CPC): Madam Speaker, the member is focusing on rights. I would like to pose a question about something that has come to my attention. As I have travelled across the country people from all walks of life have approached me. This issue has seized the nation. It is divisive for the country as well as Parliament. Repeatedly people have told me that they are concerned about their rights to representation and the fact that the cabinet members are not being allowed to vote the wishes of their constituents on this issue. What about those people's rights to proper and accurate representation? Where is their voice in this?

Mr. Paul Szabo: Madam Speaker, I acknowledge the member's point. They have rights and those rights are not infringed upon. They have a choice to make.

Let me conclude in the remaining moments. Again I want to thank hon. members for being respectful and tolerant of the differing views of others, but I want to reiterate that in the analysis that I have done, the judgments I have read, the speeches I have heard, the feedback I have received from NGOs, special interest groups and everywhere else, there are some concerns not about the short term implications but the longer term consequences.

As a result, that is why my position is that Bill C-38 should not go forward but rather we should invoke the notwithstanding clause. We should take the time to properly assess the section 1 analysis ourselves and the other broader implications so that Parliament indeed can make a fully informed decision.

The Acting Speaker (Hon. Jean Augustine): Before we resume debate, I want to inform the House that all speeches are going to be 10 minutes in length with no questions and comments.

Mr. Tom Lukiwski (Regina—Lumsden—Lake Centre, CPC): Madam Speaker, I must inform the House that it is a bit of a surprise for me to be speaking tonight. I was going to present my observations and views on this very important subject a little later in the month, but I have been asked to speak tonight. For those who may think that we have a party policy of vetting speeches, I can assure hon. members that is not quite correct. I will be speaking from the heart as I normally do in these situations. Since I am somewhat unprepared, I hope to structure my thoughts in such a manner that it makes some sense and I hope we can have a good dialogue.

I honestly agree with the approach taken in this important debate by all the speakers before me and hopefully the speakers after. All members of the House are conducting themselves in a respectful manner. If there has been no other subject debated in the House over the past two decades, this subject demands and deserves the respect of all Canadians and all parliamentarians. This is far too important an issue for anyone to make it into a political football. We have to speak our beliefs. We have to speak from our hearts. We have to speak to the issue at hand and some of the approaches that we have seen taken by the government.

I am disappointed in the approach the government has taken. I believe the government is abdicating its moral responsibility to speak to the issue from a moral and a personal standpoint. I believe that the government is hiding behind the Charter of Rights and Freedoms.

I am not suggesting for a moment that the Charter of Rights and Freedoms is something to be ashamed of or something to be stricken from the Canadian Constitution or the Canadian mindset. I believe in the Charter of Rights and Freedoms; however, I do not believe that anyone should hide behind it as an excuse to bring down legislation. I think that is exactly what is happening in this case.

We have a number of examples. *Hansard* records that a number of people from across the House have spoken to this issue in years past. There are comments on record from the Prime Minister and the Deputy Prime Minister. Both have stated without equivocation that they would support the traditional definition of marriage.

What has changed in the years since they made those statements? Have they had a change of heart? Have they come to see the light? Have they been persuaded by someone else's compelling argument that they should change their point of view? I see no evidence of that whatsoever. What I see is the Prime Minister, the Deputy Prime Minister and many other hon. members stating, "We have in effect no choice. Our hands are tied. The Charter of Rights and Freedoms dictates that we must do this. The Supreme Court has ruled that we must do that".

That is reprehensible. I have a great deal of respect for all of the members in the House. I see one hon. member across the floor who has been an eloquent speaker advocating the rights of gay and lesbian couples to marry, and advocating the proper development of his belief that same sex marriage is something that should not only be accepted within Canadian standards, but also be promoted.

Adjournment Proceedings

I have a lot of respect for a member like that because he is speaking from his heart for what he believes are his values. While I might disagree with the hon. member, I cannot help but respect his point of view, and I will respect his point of view. What I will not respect is any member in the House who stands and says, “We have no choice. Our hands are tied”, to give an implication to Canadians that the member does not really believe in this but he or she cannot do anything about it. That is disingenuous at best and I have no respect for members opposite who take that approach.

Let us talk about the charter. Let us talk about legalities. Let us talk about human rights. The government is stating that it must take this course of action, that it must introduce this legislation because the charter states that it must.

• (1820)

We all know the story. We know the four questions that were given to the Supreme Court for its consideration. This was the first step in the government's master plan for its members to abdicate their responsibilities as parliamentarians to turn the question over to the Supreme Court. They hoped the court would rule accordingly, in their view, to further hamstring the government and to state unequivocally that they must bring down this legislation.

There was one slight problem, one little bump in the road. That was question number four. The Supreme Court did not rule on the final question, whether or not the traditional definition of marriage was unconstitutional. That assembly, that august body of law makers—I should not say law makers because too many people tend to think that the Supreme Court makes the laws. It does not. No judge does. The court interprets and administers. Parliamentarians make the law.

The first problem was that the government decided to turn this entire question over to the Supreme Court. Much to its surprise, question number four came back from the Supreme Court. The court said that it would not rule on whether or not the traditional definition of marriage was unconstitutional. It left it for parliamentarians to decide. That might be the first hint that the government was off track, yet even though the Supreme Court ruled as it did on that question, the government still refuses to admit that this body should have been the body to determine the question of definition of marriage.

The Supreme Court also said a couple of other things. It said it is constitutionally correct, that we cannot rule against same sex marriages and that would be a constitutional provision. One could probably interpret by consequence that the traditional definition of marriage would be unconstitutional, but the court did not rule that.

My point is that there is room for honest and reasonable debate. I believe there is room for some interpretation not only of the Supreme Court's ruling but of the charter. We have heard from many speakers before me that other international bodies made decisions. I think it was the Doha resolution which stated that marriage is not a human right. Some may disagree with that, but if it was a human right, then as many speakers before me have stated, there would be countries such as the United States, the United Kingdom, Sweden, the Netherlands and others that would be viewed perhaps as human rights violators. I do not think that was the intent of any charter or

any discussion concerning human rights. I do not think that those countries should be considered violators of human rights.

What we have here is a situation where we have to determine what is right and reasonable, legally, constitutionally and morally. I firmly believe that the approach taken by the Conservative Party of Canada addresses all of those issues in a manner with which obviously not all Canadians, but most Canadians would be happy.

I firmly believe that all Canadians should receive the same benefits in terms of equality when it comes to things like benefits and privileges. We have brought forward a compromise. The moderate position we have taken is to suggest that while we support the traditional definition of marriage, all the ancillary benefits and privileges that go with marriage should be afforded to same sex couples. Same sex couple should not be penalized. Survivor benefits and pension benefits should be given to same sex couples who choose to live together and spend their lives together in a loving and caring relationship.

What we are suggesting, however, is that this could be accommodated in forms of civil unions or other relationships such as those that are protected by law. The benefits and privileges of those individuals are protected by law, but not under the definition of marriage.

I know this is difficult for many members to appreciate and to understand. As a member opposite pointed out very eloquently on several occasions, to him and his partner marriage is something they feel strongly about. They want to be considered in the definition of law to be married.

• (1825)

I have to tell the House where I am coming from and how I was brought up. To me marriage is a religious ceremony. Marriage is, has been and always will be a religious act. I was married in a church. I believe that all married couples that I know at least feel strongly about the sanctity of marriage and the ability to swear their vows to their loved ones in a church.

While we talk about civil marriage, the opponents of our position and the proponents of same sex marriage say that this will not affect religious marriage because it is civil marriage.

To me marriage is a religious act. That is just my feeling. To me it is a very personal, a very heartfelt, and a very moral approach that I take to this equation. To me marriage and religion go hand in hand. For those who do not agree with that position, I respect their opinion, but I cannot agree with it.

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved.

Adjournment Proceedings

●(1830)

[English]

HEALTH

Mr. Steven Fletcher (Charleswood—St. James—Assiniboia, CPC): Madam Speaker, last Monday, a week ago today, I asked the member opposite about hepatitis C. The member opposite provided an answer that was completely unrelated which is disgraceful. The hepatitis C issue is very important to many people, yet the government decided not to address the issue but talked about a completely different issue.

A couple of days later I raised the issue of hepatitis C again. I conveyed my disgust and disappointment that the hon. member across the way was unable to answer or was not able to address the issue of hepatitis C and instead talked about on-line pharmacies. The member opposite suggested that his representative was provided with the wrong briefing notes on the Tuesday and then on the Wednesday suggested that I raised the wrong subject.

I would like to share with the member for the record the question which I asked and which led to last Monday's statement and tonight's issue. My question was posed on October 18, 2004 as follows:

The minister refuses to give Canadians an honest answer. Why is the government blatantly discriminating against the pre-1986 and post-1990 victims? Why will the minister not stand up in the House right now and tell Canadians that all victims of hepatitis C from tainted blood deserve compensation? Canadians know. Give an honest answer and do the right thing.

Clearly, this question had nothing to do with on-line pharmacies and had everything to do with hepatitis C. I hope that we can expect a better answer from the government side tonight.

I would also like to point out that on November 3 the Minister of Health failed to answer my question about the Prime Minister's connection to the tainted blood scandal. He was on the board of directors of the Canada Development Corporation, which was implicated in the tainted blood scandal. As a decision-maker on the CDC, the Prime Minister had a pure conflict of interest in this matter. I would like the hon. member to comment on that. I wonder if this had anything to do with the delay in compensation for these victims.

In the health committee, all parties unanimously agreed to compensate hepatitis C victims, but the government has still delayed on this. The last time we went through this \$58.5 million was spent on lawyers. Are we going to go through this again and spend millions of dollars on lawyers and GST? How much will the lawyer review cost? Will their fees come out of the victims' pockets?

I would like the member to respond about the Prime Minister's conflict of interest and how much the legal proceedings will cost?

Hon. Robert Thibault (Parliamentary Secretary to the Minister of Health, Lib.): Madam Speaker, the member raises again a lot of points completely unrelated to the questions he put to the House. He put them on for adjournment proceedings because he was not comfortable with the full answer that he received at the time.

However, he has taken advantage of that to raise a whole bunch of other points which are completely unrelated to his question just as he did last week when I came back with the Prime Minister after signing the historic accord with the province of Nova Scotia to

provide it with the capability to invest in goods and services necessary for the good life of those people.

One question he raised was with respect to the CDC and the Prime Minister. It is true that the member raised that question in the House. I have never questioned the Speaker's ruling, but the Speaker said that the question was out of order because the Prime Minister's participation as a board member of the Canada Development Corporation predated his arrival in Parliament and the functions which we are currently discussing. The Speaker did not permit an answer on that question because he ruled it out of order.

With respect to his question regarding whether there could be a conflict with respect to the Prime Minister and the CDC, I certainly would not want to answer that question because it predates the Prime Minister's arrival.

When the decision was made on how to compensate victims, the Prime Minister was not in his current function. A recommendation was made supported by all parties of the health committee indicating that we look at the question of an eventual actuarial surplus within the trust accounts in which the federal government had put in \$900 million. This was in accordance with the wishes of three courts of three provinces along with the agreement of all the provinces and with the participation of the stakeholders. The trust account was managed by an independent body. If there is an actuarial surplus, that could be one area to look in order to compensate the victims in the window from 1986 to 1990. The health minister said that would be one option for funding that we would look at but he did not limit himself to that.

When that decision was taken, I was not in the House. I submit there is no discrimination question here. It is not the responsibility of the federal government or the provincial government to compensate people because they get ill. It is our responsibility to provide a good health care service.

The government made a good decision at the time working with the provinces to provide funding for those people because they suffered great hardship and the evidence was within that window. Other tests could have been used, so there could be a question of whether everybody exercised due diligence. However, that does not mean there was discrimination. I do not believe there was discrimination.

I can assure the member that it is the full intent of the Minister of Health to work diligently to provide compensation for the pre-1986 and post-1990 victims.

●(1835)

Mr. Steven Fletcher: Madam Speaker, I find it very ironic that the member accuses me of going off track on the issue, but in the same vein he talks about some offshore deal in Atlantic Canada. It is very ironic.

The fact is the issue is about compensation for hepatitis C victims. The government has not done the right thing and it should.

Adjournment Proceedings

On the issue of the Prime Minister's conflict of interest, the Speaker should have taken into consideration that the Prime Minister is involved in decisions now dealing with the administration of government. He is dealing with the compensation of these victims in his position as Prime Minister. The fact is that some of his activities in his previous life should be taken into consideration when he is making decisions today that may reflect badly on his previous actions. This is very concerning.

I would like to ask the member this question. Is the money coming out of the victims' pockets to do these reviews?

Hon. Robert Thibault: Madam Speaker, I would certainly not want to lead the House into believing or the Canadian public believing that the Prime Minister would be exempt from any review for what he has done in past professional practice or in past positions. The Krever inquiry looked into that whole question of how the blood supply issue was handled. There was an investigation where there was a question of criminality. The courts were involved as was the RCMP.

The point I raised was that the Speaker ruled that a question could not be put in the House pertaining to the activities of members prior to their arrival in this place from other professions.

As far as the where the money comes from, that trust fund is not government money. That fund belongs to the trustees. It is managed in accordance to the agreement with the trustees that was submitted to the courts of three provinces working together with the provinces and territories. It is fully their money and fully employed for their benefit.

• (1840)

[Translation]

EMPLOYMENT INSURANCE

Mr. Yvon Godin (Acadie—Bathurst, NDP): Madam Speaker, last December, I asked a question about employment insurance. I asked it because the Liberal government wanted to cut EI premiums by 3¢ and, in the knowledge that, if it cut premiums, this would result in \$280 million less in the EI fund. So, obviously, many Canadians are wondering why the member for Acadie—Bathurst does not want premiums to go down, when the government had a \$3 billion surplus in 2004, for example, and in previous years, this surplus was around \$7 billion or \$8 billion per year.

I asked the question for the simple reason that I wanted to know why the government is still listening to the Conservatives, who are demanding premiums be cut. When changes are finally made, there will be a point when there will no longer be a surplus. In my opinion, it is wishful thinking to believe that the government will pay back the \$46 billion it took from workers without their permission and, if it continues to cut EI premiums, that it will turn around and say it will be making changes.

My question to the government was clear. The minister gave the following answer:

Mr. Speaker, we listen to them both. Neither one is excluded. We are also awaiting the opinion of the Auditor General, who has said the system needs to be better balanced. We are taking action now because the economy is doing very well.

However, we know that the Prime Minister of Canada sent Liberals across Canada to conduct a study. We know that changes

must be made. Why change EI premiums when they are crucial? First we must wait and see if there is enough money for the necessary changes and not put the cart before the horse.

So, I want to ask the parliamentary secretary to clarify this for us.

[English]

Hon. Peter Adams (Parliamentary Secretary to the Minister of Human Resources and Skills Development, Lib.): Madam Speaker, this government has a long history of ensuring that the employment insurance program remains responsive to the needs of all Canadians.

As the member knows, we are giving careful consideration and will respond to a variety of recommendations concerning the program. We have two reports from the standing committee on human resources, of which my colleague is a member, the report from the public accounts committee and the Prime Minister's task force on unemployment. We are looking at all those recommendations, which include the aspects of employment insurance that my colleague mentions.

We have in fact been reducing the premiums every year for 11 years. As a result, the premium rate dropped from \$3.07 in 1994 to \$1.95 in 2005, the lowest level since 1940. Our objective is to balance revenues and expenses and we believe we will achieve that this year.

In setting the premium rate for 2005, the government took into account a number of factors, including the EI chief actuary's estimate of the break-even rate.

We have also made commitments in the Speech from the Throne to look at employment insurance and to propose improvements to the program.

We are looking at changes to further reduce disincentives to work and to ensure we are targeting our joint skills development efforts with the provinces to the right people.

Employment insurance continues to provide a temporary income support to people who involuntarily leave their employment. For example, in 2002-03, 1.4 million people received \$8.2 billion in regular income benefits. According to the 2003 monitoring and assessment report, 88% of employed workers would have been eligible for EI benefits if they had lost their jobs with just cause.

Employment insurance helps Canadians re-enter the labour force. Nearly 640,000 people participated in active employment measures and 222,000 people returned to work.

It comes as no surprise that the Speech from the Throne referred to employment insurance. It clearly shows that the government is fully aware of all that has to be done to resolve the problems that affect all parts of the country, including the Atlantic provinces, which my colleague represents so well.

May I remind the member for Acadie—Bathurst of all the changes this government has made to the employment insurance program so that it can continue meeting the needs of Canadians and a rapidly changing labour market. For example, the intensity rule was repealed. The clawback provision was amended and no longer applies to Canadians who seek temporary income support for the first time. As well, the parents who re-enter the labour market after staying at home to take care of their young children can establish eligibility benefits by accumulating the same number of hours of employment as other workers.

This government has understood what Canadians need, which is why we continue to make improvements to this program.

• (1845)

Mr. Yvon Godin: Madam Speaker, what my colleague does not say is that of the people working and paying into the employment insurance, only 33% of the women qualify and 38% of the men qualify.

My colleague was at the parliamentary committee when the human resources witnesses came and told us the truth about it. They said that if a young person going to school is working he does not qualify for employment insurance, but he is still in the statistics of the 88%, where he should not be because he is not going to get employment insurance. The people who do not qualify because they do not have the 910 hours are not being calculated and should be. It is only 33% of the women who qualify in our country. Eight hundred thousand people do not qualify for employment insurance and 1.4 million children are hungry in our country.

The EI program has had problems since the Liberal government made changes in 1996.

I would like to hear my colleague talk about the changes the government made and how much they have hurt the people who have lost their jobs. That is the reality.

Hon. Peter Adams: Madam Speaker, this is a huge and complex program. We have, by the way, accepted that various aspects of it should be reviewed and they are being reviewed.

I want to remind the member of the initiatives that we have already accomplished. The maximum benefit period for EI, parental and maternity benefits was increased from six months to a year, as the member knows. The premium rate was decreased, as I described. To ensure that claimants can accept lower paying jobs without reducing the benefit amount to which they will be entitled, we made the small weeks provision a permanent and national feature of the program.

In addition, we increased the threshold from \$150 to \$225. We brought in the new six week compassionate care leave program. We introduced the two year pilot project providing five additional weeks of EI benefits to claimants in regions with high unemployment rates.

We will continue to review with interest the recommendations of the committees which I mentioned and the Prime Minister's task force, and we will report back to Parliament within the prescribed period of time.

Adjournment Proceedings

GOVERNMENT APPOINTMENTS

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Madam Speaker, I would like to thank the Parliamentary Secretary to the President of the Treasury Board for attending tonight to listen to a follow up on a question that I put to the President of the Treasury Board on the rules that were posted last spring on the appointments for board members, board chairs and CEOs of Canada's crown corporations.

The criteria of March 2004, while not perfect, was what the Canadian public was asking for. I want to read from a recently released "Review of the Governance Framework for Canada's Crown Corporations":

Good governance requires transparency and accountability.

What Canadians are Saying About Accountability

Canadians are seeking the same assurances from all levels of government: that governments will spend taxpayers' money as though it were their own; provide better and more accessible information on how public funds are being used and what outcomes result from public expenditures; keep the promises that they make;

With that asked for, I can only assume that when the following was posted on the website of the Treasury Board, Canadians looking for accountability cheered and said that after years of cronyism in crown corporations, the rules would now prevent the rewarding of buddies and pals and stop the "who you know" from being the only criteria used when selecting the leadership of our crown corporations.

I will read the four criteria established on March 15 and posted on the Treasury Board website. The criteria were as follows:

A permanent nominating committee will be struck by the board of each corporation. If the board so chooses, this committee may include outside eminent persons to support the work of the board. Among other things, the nominating committee will establish appropriate criteria for candidate selection.

A professional recruitment firm will be engaged to assist these nominating committees in the search for meritorious candidates. In addition, public advertisements will be posted in newspapers and in the Canada Gazette for all openings for the positions of chief executive officer and chair of corporations.

The nominating committee will make recommendations to the board of directors, and the board will provide a short list of candidates to the minister responsible for the corporation. Based on this list, the minister will make a recommendation for appointment.

The appropriate parliamentary committee will then review the candidate recommended by the minister.

Those four criteria from March 15, 2004 seem simple enough. While very clear and concise, however, the Treasury Board president who put them forward almost immediately watered them down and put in plenty of wiggle room when it came to the appointment of the chair at Canada Post. Almost immediately the firm accountability words like "will" and "shall" were changed to words like "may" and "if possible". They are not very accountable words. There is a lot of room to appoint pals and buddies.

When pressed by the committee as to why the rules were softened and weakened, the response was one of denial of a difference between the two and a referral to this upcoming crown corporation governance framework.

It is upon us now and is it the firm and concise criteria of March 15, 2004, the "cronyism" saving criteria? We have received a weaker version. The people of Canada will find it lacking.

Adjournment Proceedings

If we set our targets low enough, I guess we will always be able to hit them. Is this the standard the government wants to set? I was hoping for better.

Would the parliamentary secretary like to explain how the rules became so soft?

• (1850)

Hon. Diane Marleau (Parliamentary Secretary to the President of the Treasury Board and Minister responsible for the Canadian Wheat Board, Lib.): Madam Speaker, since the president's March 15, 2004, announcement of a new appointment process for top executives of crown corporations, the government conducted a review of crown corporation governance.

On February 17, just last week as a matter of fact, the president tabled in the House of Commons a report entitled, "Meeting the Expectations of Canadians—Review of the Governance Framework for Canada's Crown Corporations". This review is the most comprehensive review of Canadian crown corporation governance in 20 years.

As part of our findings, it was determined that a number of refinements to the interim process were needed to achieve a correct balance from the government's perspective as owner and shareholder of the corporations.

On boards, as in the private sector, chairs and directors represent the owner. In this case, the owner is the Canadian population through the government it elects. We believe, consistent with best practices, that the government, as representative of the owners, has to take responsibility for identifying candidates that are its representatives.

We are looking for people who are committed to the principles and values of public service and who will perform their duties with integrity. We will do so, however, in close consultation with the boards of directors, taking into account their needs.

To ensure greater transparency, we will be establishing a central website for identifying chairs and directors, accessible to all Canadians, so they can have an up to date and accurate picture of the vacancies, their selection criteria and board profiles, and a listing of appointments is the first step on this path.

The board of directors, in consultation with the government, will determine the selection process for the CEO. To ensure that potential candidates are not in conflict of interest, the government will continue to conduct background checks prior to making any appointment.

Canadians can be reassured that the appointment process for Canada's crown corporation boards of directors meets Canadians' standards and expectations of ethical conduct.

• (1855)

Mr. Joe Preston: Madam Speaker, I listened closely to the talk of how the review came about. I love the fact that we reviewed the governance of crown corporations mostly by asking crown corporations how they would like to be governed. I think if we ask cronies, we might get the answer as to how to get new cronies.

With much respect, the answers remain the same. The criteria for selecting the chairs of our crown corporations and therefore even our CEOs, since they are selected by the boards of these crown corporations, remain virtually the same, with the minister responsible for those crown corporations having a veto over the selections and an awful lot of input into the selection process to begin with.

I ask the parliamentary secretary, how is it that we did not get that far from where we were?

Hon. Diane Marleau: Madam Speaker, one of the things that everyone has to remember is that in the end the government is responsible for who is appointed and for any kind of governance that is under its rule. Much as we want to make sure that all appointments of all chairs and all CEOs are filled with qualified people, there are many ways of ensuring that this happens.

We are going to work with boards of governors to ensure that as many ways as possible are looked at and used to identify the proper person. I think it is very important for this to occur.

One must always remember that opposition members will never be happy with whomever we appoint because they did not pick them. Unfortunately, that is the case. Much as I know that we will do everything in our power to have the best, the most qualified person, the most representative person, in the end we, not the opposition, will be responsible for that appointment. The opposition is only responsible for criticizing.

The Acting Speaker (Hon. Jean Augustine): The motion to adjourn the House is now deemed to have been adopted. Accordingly, the House stands adjourned until tomorrow at 10 a.m. pursuant to Standing Order 24(1)

(The House adjourned at 6:58 p.m.)

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