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OFFICIAL REPORT
(HANSARD)

**Wednesday, December 6, 2006
(Part A)**

—

Speaker: The Honourable Peter Milliken

CONTENTS

(Table of Contents appears at back of this issue.)

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HOUSE OF COMMONS

Wednesday, December 6, 2006

The House met at 2 p.m.

Prayers

• (1400)

[*English*]

The Speaker: It being Wednesday, we will now have the singing of the national anthem led by the hon. member for Sackville—Eastern Shore.

[*Members sang the national anthem*]

STATEMENTS BY MEMBERS

[*English*]

THE ENVIRONMENT

Mr. Larry Miller (Bruce—Grey—Owen Sound, CPC): Mr. Speaker, I rise today to congratulate the staff and council of the County of Grey on the outstanding initiatives they are taking to improve the environment.

This month the council approved a pilot project for local biodiesel production that involves an Owen Sound processor and a group of area canola farmers led by Meaford farmer Brian Wiley. County highways chief Gary Shaw will use locally produced biodiesel fuel in the fleet, which will be provided by local producer Greg Loughheed of Loughheed fuels. The company's is the first 100% biodiesel filling station in Canada.

This is not the first time that Gary Shaw and the County of Grey have been leaders in environmental issues. In 1991, the County of Grey, under the direction of Mr. Shaw, was the very first to use recycled tires to pave roads.

This government is doing its part for the environment with the clean air act and Gary Shaw and the County of Grey are doing their part. Together we will improve our environment.

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VIOLENCE AGAINST WOMEN

Hon. Maria Minna (Beaches—East York, Lib.): Mr. Speaker, today is the National Day of Remembrance and Action on Violence Against Women, a date to remember the 14 women brutally

murdered at l'École Polytechnique de Montréal in 1989. They were killed simply because they were women.

This is a day of remembrance and action not only for those 14 young women, but also for the thousands of Canadian women facing discrimination and violence throughout this country.

A 2006 report from Statistics Canada entitled “Women in Canada 2006” states that common assaults make up the largest share of violent offences committed against women. In 2004, 53% of all women who were victims of violent offences were victims of a common assault, while the rest were victims of sexual assault, assault with a weapon causing bodily harm, criminal harassment and robbery. Women are considerably more likely than men to be victims of violent crimes and six times more likely to be victims of sexual assault.

We as Canadians and as women must stand together to stop this and say, “No more”.

* * *

• (1405)

[*Translation*]

REPLACEMENT WORKERS

Mrs. Carole Lavallée (Saint-Bruno—Saint-Hubert, BQ): Mr. Speaker, in 1990, the Minister of Labour and member for Jonquière—Alma voted in favour of an anti-scab bill. Now that he is a Conservative minister, not only is he against this excellent piece of legislation, but also, yesterday in committee, he predicted every possible calamity: ruin, economic chaos, total paralysis and even 911 service interruptions.

It appears the minister has joined the fearmongering campaign being waged by the big and powerful business lobby and, in his state of extreme terror, is even confusing provincial and federal jurisdiction. The Minister of Labour should know that the 911 service is under provincial jurisdiction, that in Quebec, 911 employees have been subject to an anti-scab law for the past 30 years, and that this has never resulted in a catastrophe.

Quebec's experience with anti-scab legislation has shown that disputes do not last as long, that they are less violent, and that there is a better balance of power between employers and employees. It is good for workers and it is good for employers.

Statements by Members

[English]

VIOLENCE AGAINST WOMEN

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, today is the 17th anniversary of the horrible massacre at the École Polytechnique in Montreal.

Parliament has declared this a day to honour the 14 young women who were killed and who will never again meet with friends, never laugh and never cry, young women who dreamed their dreams, shared their hopes and aspirations and worked toward achieving their goals, young women who loved and were loved. They were killed simply because they were women.

In every region of Canada, women and men are gathering to remember all victims of violence against women, to share their grief and to gain strength from one another, and they are taking action. They are resolving to change our society to ensure that women and girls walk safely in our streets, that we live securely in our homes and that we may participate fully in society as equal partners. Women and men working together will bring positive change to our society.

We remember. We do remember. Who among us could ever forget?

* * *

FROM AN ISLAND TO AN ISLAND

Mr. Fabian Manning (Avalon, CPC): Mr. Speaker, today I want to pay tribute to one of Newfoundland and Labrador's greatest ambassadors, award winning recording artist Mr. Kevin Collins.

Born in Placentia, Kevin began singing at the age of six, having been influenced by a musical family, including his grandmother, Agnes Tobin Collins, and his dad, Tony Collins. Kevin has released 12 albums and has won several music industry awards, including songwriter of the year award in Ireland.

Kevin has recorded a song composed by our own current federal Minister of Fisheries and Oceans and entitled *From An Island To An Island*, describing the strong connection between Ireland and Newfoundland. It has become one of our province's signature songs and became an instant success in Ireland.

Kevin has toured Canada and Ireland and his music is currently played on radio stations all across Europe. Kevin Collins continues to live by his motto, "Newfoundland is a place where hospitality and friendship are not a business, but rather a way of life".

We extend congratulations to Kevin and wish him the best of luck in the future. He makes all of us proud.

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STATUS OF WOMEN

Mr. Scott Simms (Bonavista—Gander—Grand Falls—Windsor, Lib.): Mr. Speaker, I too would like to reiterate the comments of my hon. colleague from Avalon in congratulating Mr. Collins.

This year women in Canada should be celebrating the 25th anniversary of Canada's ratification of the UN Convention on the Elimination of All Forms of Discrimination against Women, but they are not celebrating.

The federal government has made alarming changes to Status of Women Canada, including a 40% cut to its operating budget. It has also removed the word "equality" and changed the funding rules to ban all domestic advocacy and lobbying.

Women in my province will be negatively impacted by these changes. For example, the Status of Women council's multi-phase research project to alleviate poverty will no longer qualify under the new funding regime. The voices of equality-seeking women's groups that work to improve our collective quality of life will now be weakened.

The Prime Minister said he would respect and uphold Canada's commitment to women's rights, but he has not kept his word.

When will the government honour these principles? Shame on the government. It should do the right thing and reinstate funding to permit the women of Canada to have a voice.

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HALIFAX EXPLOSION

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, 89 years ago today, on December 6, 1917, two ships, the *Imo* and the *Mont Blanc*, carrying explosives and supplies for the war in Europe, collided in the narrows of Halifax harbour, caught fire and exploded.

In less than 10 seconds, the explosion and ensuing tidal wave had killed 2,000 people and seriously injured 9,000 more. For two square kilometres around Pier 6, nothing was left standing.

It was the largest man-made explosion prior to the atomic bomb and, to make matters worse, that evening a severe snowstorm swept Halifax, further hindering the relief effort.

Nova Scotians and Haligonians will never forget that the first relief train to reach Halifax was sent from Boston in the United States. To recognize that fact, every year Nova Scotia sends to Boston a Christmas tree that is 40 feet high. Once again I would like to recognize that this tree was cut in New Ross. I would like to thank Alan and Antoinette Broome for cutting this tree. I also thank the people from Boston for being neighbours in a time of need.

* * *

●(1410)

[Translation]

MARIA CHAPDELAINE REGIONAL WOMEN'S CENTRE

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, the Maria Chapdelaine regional women's centre in Lac-St-Jean is very concerned about this government's constant attacks on women.

With its budget cuts and its refusal to implement pay equity recommendations, this government has done nothing to represent women's interests.

*Statements by Members***L'ÉCOLE POLYTECHNIQUE**

We will have a better society once we have progressive, open governments committed to fighting male-female inequality. Unfortunately, that description does not apply to a significant segment of the Conservative Party and the government it has spawned.

I would like to tell the Maria Chapdelaine regional women's centre that I will always stand up for the basic right to male-female equality and that I will, whenever necessary, intervene against the government no matter the circumstances.

* * *

VIOLENCE AGAINST WOMEN

Mr. Luc Harvey (Louis-Hébert, CPC): Mr. Speaker, it was on this day that the lives of 14 young women ended in tragedy at the École Polytechnique in Montreal. On this National Day of Remembrance and Action on Violence Against Women, established in 1991, Canadians everywhere are asked to remember these young women, and we are also called to action.

As we all know, too many Canadian women and girls are victims of violence every day of their lives. This is unacceptable.

The government has taken steps against this phenomenon. Specifically, it has strengthened our judicial system and supported initiatives such as Sisters in Spirit, a campaign to end violence against aboriginal women.

However, as we know, we are all in this struggle together. Today's commemoration presents an opportunity for us to think, individually and collectively, about concrete measures we can take to prevent and eliminate violence against women and girls. Let us strive to build a Canada in which our daughters, our mothers and our sisters can live without ever fearing violence.

* * *

[English]

VIOLENCE AGAINST WOMEN

Mrs. Susan Kadis (Thornhill, Lib.): Mr. Speaker, today as we observe the National Day of Remembrance and Action on Violence Against Women, lamenting the 1989 tragic and unthinkable shootings at École Polytechnique, we must stand strong together in Parliament, all of us, condemning violence against women and pledging to keep our women safe.

As this is a pervasive, urgent crisis for women and their families, it is inconceivable that the current government short-sightedly cut Status of Women Canada's policy and research fund, which provided vital information and direction on preventing violence against women.

Simply put, women and their families cannot afford to bear the brunt of these cuts. Rather, we need to use every opportunity to do more, much more, not less, to eradicate violence against women, including increasing funding, not decreasing it.

As we reflect on that dark day in 1989, we must honour the victims truly and do everything in our power to prevent even one more woman from becoming a victim. Women at risk are relying on all of us. We cannot fail them.

Ms. Helena Guergis (Simcoe—Grey, CPC): Mr. Speaker, today marks the anniversary of the murders of 14 young women at l'École Polytechnique de Montréal.

Established in 1991 as the National Day of Remembrance and Action on Violence Against Women, today Canadians everywhere are called to remember those young women and we are also called to action. We know that far too many women and girls in Canada face violence each and every day of their lives and this is unacceptable.

Canada's new government has taken steps, such as strengthening our justice system and supporting initiatives like Sisters in Spirit which seeks to end violence against aboriginal women, but we know that combating violence must be a collective effort.

Today's commemoration serves as a time for all Canadians to reflect on the concrete actions we must take, individually and collectively, to prevent and eliminate all forms of violence against women and girls.

Let us work toward creating a Canada where our daughters, mothers and sisters can live free from fear of violence.

* * *

● (1415)

L'ÉCOLE POLYTECHNIQUE

Ms. Catherine Bell (Vancouver Island North, NDP): Mr. Speaker, today we remember and mourn the 14 women killed in Montreal, women who have been murdered by their domestic partners and girls who have been violently killed.

Violence against women is still all too prevalent, stemming directly from women's inequality.

I and the women of Vancouver Island North also mourn cuts to services from Status of Women Canada. These are cuts women cannot afford. These cuts mean women of the Pacific DisAbled Women's Network headquartered in my riding will now have to travel not to Victoria or Vancouver but to Edmonton in order to consult with staff in the department. Not all women in Vancouver Island North live in equality. Their basic rights are not guaranteed, particularly if they are aboriginal women.

The NDP, along with the Canadian Labour Congress, believes that \$2 for every woman and girl in Canada should be allocated for women's equality. It is not too much to ask for women who live in poverty, who live in fear or who need more, not less, from the government.

* * *

[Translation]

ÉCOLE POLYTECHNIQUE

Hon. Diane Marleau (Sudbury, Lib.): Mr. Speaker, we are taking a moment today to remember the terrible massacre of 14 young women 17 years ago at the École Polytechnique in Montreal.

Oral Questions

Despite our efforts to curb violence against women, it continues to be a serious, persistent problem.

We have a Conservative government that is slashing status of women programs. The minister responsible told us herself that she cut some of the funding because, after all, the funds were mostly used for telephone systems. As though such systems are not needed. Why not ask abused women? They need access to a telephone line.

Now is an appropriate time for this Conservative government to reflect on, think about, remember and act by reversing those shameful cuts.

* * *

ÉCOLE POLYTECHNIQUE

Ms. Johanne Deschamps (Laurentides—Labelle, BQ): Mr. Speaker, December 6, 1989 is a date that will remain etched in our collective memory. Seventeen years ago today, an armed man entered Montreal's École polytechnique and took the lives of 14 young women. Quebeckers were shocked and devastated by what happened.

After that incident, December 6 was named the National Day of Remembrance and Action on Violence Against Women, a day for remembrance and reflection.

According to the United Nations Population Fund, "Gender-based violence is perhaps the most widespread and socially tolerated of human rights violations". Such violence affects the lives of millions of women and girls and, as one writer in *Livre noir de la condition féminine* or *The Black Book of Women's Condition*, states, "Women are always the first victims of bullying, insecurity, conjugal violence, prostitution, criminality, unemployment and sexism".

The Bloc Québécois will continue to work to eliminate all forms of violence against women, because freeing women from violence means a more civilized world.

* * *

[*English*]

VIOLENCE AGAINST WOMEN

Mr. Sukh Dhaliwal (Newton—North Delta, Lib.): Mr. Speaker, today marks Canada's Day of Remembrance and Action on Violence Against Women.

I would like to take a moment in remembrance of the women from my area and many others whose tragic deaths remind us that violence against women remains one of the most important issues we face.

For our daughters and granddaughters, we must pledge to do all we can to make such tragedies, like the killings that occurred recently in my riding, a thing of the past.

The recent cuts by the minority Conservative government to funding for women's programs only make the challenges greater.

I have heard from my constituents on this matter and I stand with them in calling on the government to restore the funding it has so harshly cut and to ensure women's safety and equality.

FEDERAL ACCOUNTABILITY ACT

Mr. Dave Batters (Palliser, CPC): Mr. Speaker, for almost six months, the Liberals have delayed and dithered over the toughest anti-corruption law in Canadian history, the federal accountability act.

This past weekend, we heard a lot of platitudes from the Liberals about renewal. Sadly, it was nothing but a sham. We just need to look at who was elected as the new Liberal Party president, an unelected, unaccountable senator.

However, Canadians have a long memory. They remember the Liberal brown envelopes of cash being passed around. They remember that David Dingwall was entitled to his entitlements. They also remember Alfonso Gagliano's legacy of corruption at Public Works.

The new Leader of the Opposition needs to tell Canadians why he is allowing his unelected Liberal senators to block the accountability act. Unlike the Liberals, it is this Conservative government that is rebuilding the public's trust day in and day out, and that is real leadership.

* * *

● (1420)

[*Translation*]

NATIONAL DAY OF REMEMBRANCE AND ACTION ON VIOLENCE AGAINST WOMEN

The Speaker: Order, please. I invite hon. members to rise and observe a moment of silence to mark the National Day of Remembrance and Action on Violence Against Women.

[*A moment of silence observed*]

ORAL QUESTIONS

[*English*]

RCMP COMMISSIONER

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the disappointing performance of the government is leaving me all choked up.

Again today it is hard to believe that the Prime Minister only found out about the inaccuracies in Commissioner Zaccardelli's testimony on Monday. Canadians want to know when the Prime Minister first found out about these inaccuracies in the commissioner's testimony.

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I became aware of the differences in the story when everybody else did and that was when the commissioner made his comments on Monday and yesterday.

However, let me just say that the RCMP is one of the most respected and important institutions in the country and I hope all members of the House understand that.

Today, Commissioner Zaccardelli submitted his resignation to me and I have accepted it. The commissioner has indicated to me that it would be in the best interests of the RCMP to have new leadership in that this great organization faces challenges in the future.

I would like to thank the commissioner for his long and dedicated service to the RCMP and to the country.

[*Translation*]

I am prepared to table the letter and my response in the House right now.

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, my question is for the Prime Minister. I have a copy of a letter from the former RCMP commissioner to the Standing Committee on Public Safety dated November 2, in which he indicated that he intended to clarify his initial testimony. The Prime Minister's national security adviser was aware of the letter's contents and surely informed the Prime Minister.

In view of the November 2 letter, how can the Prime Minister continue to say that he only learned of the contradictions in the former commissioner's testimony this week?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, everyone knows that the apparent contradictions in the testimony came out yesterday. Once again, the RCMP commissioner has submitted his resignation to me, I have accepted it and thanked the commissioner for his service to the country and to the RCMP.

[*English*]

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, the Prime Minister did not answer my question. What about this letter of November 2? Let me ask the question of his minister since he is unable to answer.

Given that the Prime Minister's national security adviser must have known about these inaccuracies, how could the Minister of Public Safety have said, only on Monday, referring to the commissioner, "He still has the confidence of the government?"

• (1425)

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, as with most people in the chamber and most Canadians who were watching at the time, we all found out about the glaring contradictions when they came out on Monday. A letter was written to the public safety committee by the commissioner asking for permission to come to that committee and address those concerns, and that is what took place.

[*Translation*]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, the members heard the RCMP commissioner's testimony over the past two days. It is now obvious that the commissioner lost the confidence not only of this House, but now also of this government. This is an important issue for the government itself.

My question for the Prime Minister is simple. Can he tell us how many times his Minister of Public Safety met with the Commissioner of the RCMP to discuss his testimony?

[*English*]

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I have met on a number of occasions with the

commissioner, as it is part of my job and it is what I do, along with the other heads of agencies who are responsible to this portfolio.

I can say very clearly that at no time was there any interference whatsoever from my office or by my officials in the operation of the commissioner's duties or any testimony he was giving at any time. That was always up to him entirely and at his discretion.

[*Translation*]

Hon. Lucienne Robillard (Westmount—Ville-Marie, Lib.): Mr. Speaker, the government must be accountable for its actions in this matter. The Prime Minister must account for his minister's conduct.

How many times did the minister meet with the commissioner before he testified? When did he meet him? What instructions did he give the commissioner?

Will the Prime Minister hold his minister accountable for his actions?

[*English*]

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I cannot say it any clearer than I have, but I will continue to say it. It has never been my policy to give instructions to the commissioner in terms of what he should or should not say.

Clearly what is happening here is the members of the opposition are totally caught off guard by the fact that the commissioner has resigned. They are not nimble enough to move from their script and get on with some other questions.

* * *

[*Translation*]

FIREARMS REGISTRY

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, this year, the sad anniversary of December 6 reminds us not only of the tragedy that occurred at École Polytechnique in Montreal, but also of the recent shooting at Dawson College.

The firearms registry remains, now more than ever, an essential tool in controlling firearms. And yet, the government decided to abolish the registry.

Out of respect for the victims at École Polytechnique, Concordia University and, more recently, Dawson College, will the Prime Minister defer his decision to abolish the firearms registry?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I think everyone knows that the incident at École Polytechnique is one of the worst incidents in the history of this country. We remember today the victims of that day and the victims of other incidents, such as the one at Dawson College.

This government is committed to having a firearms registry that is less expensive and more effective than the current one.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, although the firearms registry has been proven to work, is operational and is considered a vital tool by police forces, the Prime Minister has decided to scrap it.

Oral Questions

However, the general consensus in Quebec is that the registry should be maintained. On this sad anniversary of December 6, why is the Prime Minister being so ideologically stubborn and holding to his plan to abolish the firearms registry at all costs?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, unfortunately, the current registry did not prevent the incident at Dawson College. Ideology is refusing to change things when faced with the facts.

Let me say again that this government is committed to having a registry that is less expensive and more effective than the current one. We have also proposed important measures against crime, violence, gun violence and violence against women. I hope we can count on the Bloc Québécois' support.

• (1430)

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, today is the 17th anniversary of the tragedy at École Polytechnique, the tragedy that was the impetus for the creation of the firearms registry. Also, this was not an incident, as the Prime Minister said, this was a tragedy.

The Minister of Public Safety, blinded by his ideological obstinacy, is preparing to wipe out 17 years of effort to combat violence against women.

Does the Minister of Public Safety realize that by ending the firearms registry, he is wiping out 17 years of effort, with the wave of a hand, and all out of pure ideological obstinacy?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, today does mark the sad anniversary of the murder of 14 young women at École Polytechnique. That is why we have to remember the importance of tackling armed crime, in particular crimes against women.

We in the new government of Canada are going to continue to make the firearms registry more effective. That is why we want to strengthen the system for issuing firearms possession permits. We also want more thorough background checks to prevent firearms from getting into the wrong hands.

Mrs. Maria Mourani (Ahuntsic, BQ): Mr. Speaker, the Canadian Association of Chiefs of Police, the Conference of Catholic Bishops, the mayors of the large cities, the Fédération nationale des enseignantes et des enseignants du Québec, the family and friends of victims and many other people in Quebec and Canada are all calling on the minister to back down and keep the firearms registry in its original form.

Why does the minister want to deprive society of this essential tool for combating crime and violence against women?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, the representatives of the police services of Ottawa, Toronto, Saskatoon, Winnipeg and elsewhere, representatives of victim groups and even the parents and family members of the men who have been killed in tragic incidents agree with the Government of Canada on keeping the registry of prohibited firearms, providing police officers with resources and strengthening the system. They are behind us on this.

[English]

STATUS OF WOMEN

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the flag on the Peace Tower today is at half-mast as we all remember the 14 women who were killed at the École Polytechnique. We also think of the hundreds of thousands of women who have been assaulted physically and sexually in Canada. The Prime Minister and all of us have stood in remembrance, but I ask the Prime Minister to stand in action.

Will he, as the NDP has done, support increasing core funding for the women's groups that advocate for equality and that advocate for the end of violence against women?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, as the leader of the NDP knows well, the Minister of Status of Women has committed to ensuring that funding in the program is more effective, that it goes directly into programs instead of into bureaucracy. This is real action. Likewise, it is the real action this government has taken on a range of anti-crime and anti-violence measures. We hope we will have the support of the NDP for those things.

Hon. Jack Layton (Toronto—Danforth, NDP): Mr. Speaker, the Prime Minister knows full well that support for core funding for women's organizations across the country is not being increased, not at all. If anything, it is facing cuts from the Conservative government. It is very important that we speak directly on this matter.

[Translation]

More than half the women in Canada are victims of physical or sexual assault. With this sort of statistic, it is hard to understand why the Prime Minister is eliminating Status of Women Canada.

Does he not recognize how urgent it is to take action on violence against women in this country?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, this government has made no cuts to women's programs. On the contrary, this government will provide more money for programs and less for bureaucracy.

• (1435)

[English]

We have taken a number of measures to deal directly with violence against women. We have increased funding to on reserve family violence shelters, for example. We have increased funding for immigrant settlement services for women. We have a range of measures to deal with sexual predators, repeat offenders, those who use guns to commit crimes against women and other citizens.

We hope the NDP will pass from talk to action and support these things.

RCMP COMMISSIONER

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, the issue in the Zaccardelli affair is now the conduct of the government. The minister was aware that he was changing his story well in advance of the speech on Monday. We know the government was providing the commissioner with communications advice. What we do not know is why the minister did absolutely nothing when he found out the commissioner was going to change his story.

Will the minister finally explain why it took over a month for him to comment on the commissioner's—

The Speaker: The hon. Minister of Public Safety.

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I made this very clear that the commissioner had some contradictions that he had to address. There was no involvement or interference from me or any other government official.

I guess the question I would have is, why did it take members of that former government so long when they knew there was a problem with this whole Arar affair, which we did not know? We were asking questions they knew. Instead of the previous ministers asking the RCMP to explain itself, they asked no questions at no point. They just let it ride. We take action; they did not.

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, the government has become accustomed, whenever it is in a tight corner, to blame a previous administration. Those members are the government. When are they going to start to act like one and take responsibility for their conduct?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, once again, the Commissioner of the RCMP has accepted his responsibilities and taken appropriate action. We have accepted that action, and I would call on the opposition to do the same thing.

As for taking responsibility, it is a matter of record that Mr. Arar and other Canadians went to prison internationally, and the Liberal Party opposite never raised a peep about it.

Right now we have a Canadian citizen jailed in China. That is why this government has taken action, whether Mr. Chrétien likes it or not.

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, the Prime Minister has not accepted responsibility. On November 2, more than a month before Commissioner Zaccardelli testified again before committee, a letter was written to the government. In this letter from the commissioner, he outlines in clear detail the shocking reversal he was going to make public a month later. That is one month, not hours.

One month ago the government knew everything but did nothing until forced, nothing but continued statements of unconditional support for the commissioner it was bound to protect. Why did the government do nothing when it knew everything one month ago?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, the so-called mystery letter, which has been widely publicized and very public, was sent to all members of the Standing Committee on Public Safety. As I understand it, it was a request from the commissioner to come to the committee to talk about the issues with which he had to deal. It is hardly a mystery.

Oral Questions

Again, the only mystery that remains is why those folks across the way, when they were in government, refused to deal with it. Why did they let somebody languish in prison and never call in the authorities to ask what had happened? That is the question.

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, I will table this letter. The letter will show that the government did know.

On September 28, I asked for the commissioner's resignation. I asked questions about the contradictions. The government members did not.

The Prime Minister said in question period yesterday, and repeated it today, "the government is surprised and concerned by the change of testimony" that occurred yesterday. It was an act. The letter of November 2 made it clear the commissioner had changed his testimony and the Prime Minister had known for a month.

All the mock surprise in the world cannot hide the fact that for one month the Prime Minister and the minister knew it all, yet they did nothing.

• (1440)

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, it is very clear that the previous regime did nothing on this file. As soon as we got the O'Connor report, we accepted all 23 recommendations. We made sure that Mr. Arar and his family name was cleared in terms of travelling across the border points. We made sure that discussions were going on right away in terms of a settlement.

We took action on all these. Apparently, the only person in the assembly here in the chamber who knew it all is the member asking the questions. If he knew it all, why did he not raise these issues a month ago?

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, the government has just woken up to the contradictory testimony by Commissioner Zaccardelli before the Standing Committee on Public Safety. It is a little late in the game.

As early as September 28, he acknowledged that he had done nothing to stop the suffering of an innocent man, whom he believed to be innocent and whose incarceration in squalid prisons, where he was tortured, was probably due to misinformation the commissioner's subordinates had given to American security services.

Why did the government not demand his resignation then?

[*English*]

Hon. Stockwell Day (Minister of Public Safety, CPC): I am trying to work the question through, Mr. Speaker. The commissioner has submitted a letter of resignation. That has already taken place.

The questions posed by my friend, the member for Marc-Aurèle-Fortin, are good ones. They are some of the ones that we have raised ourselves. I appreciate his input on that committee. I think he will also recognize that when Justice O'Connor tabled the report, we took immediate action.

Oral Questions

[Translation]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Mr. Speaker, there is more. All the ministers who handled the Arar affair have said that the commissioner did not inform them of the error his subordinates had made. They have all said that this information could have helped the government in its decision making. I believe that, too.

How could the minister have confidence in an official who hid essential information from the minister he reported to? Did the minister want to send the message that he prefers to be kept in the dark, or does he have another reason that he would like to conceal from us?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I do not know whether my friend, the member for Marc-Aurèle-Fortin, was here a few minutes ago, when the Prime Minister read a letter stating that the commissioner had resigned. He no longer holds that position.

The member asked good questions, because it is true that former ministers never asked the commissioner or other officials questions. Why? Those are good questions.

* * *

STATUS OF WOMEN

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, yesterday, when we were questioning the Minister of Canadian Heritage and Status of Women about cuts to Status of Women's administration budget, she said, and I quote: "—money saved in administration is going...to help women in the community. For greater clarity, that means an additional \$5 million allocated to projects for women".

We do not believe the minister was telling the truth because the budgets for women's programs have not increased. If she really did add \$5 million, can she tell us where she put it? Perhaps she can tell us which programs she hid the money in.

[English]

Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC): Mr. Speaker, she is quite correct.

[Translation]

An additional \$5 million will be going directly to women.

●(1445)

[English]

We have \$10.8 million in the women's program. There is \$5 million at Status of Women no longer being used for administrative purposes and is available now directly for women's groups. That is \$5 million for women at Status of Women to help organizations help women directly in the community.

[Translation]

Mrs. Carole Freeman (Châteauguay—Saint-Constant, BQ): Mr. Speaker, today is the day of remembrance for the École Polytechnique tragedy and a day of action on violence against women.

Will the Minister of Canadian Heritage and Status of Women promise not to take the senseless step of cutting Status of Women's research branch and its independent research fund?

[English]

Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC): Mr. Speaker, we will utilize the money in a way that will help women. We know the facts. In fact, conditional sentences are used in sexual assault cases more often than in any other cases of violent crime. That is why this government put forward legislation to put an end to conditional sentences for sexual offenders.

This is a time to remember, but this is also a time for action. We ask members in this House to support us and act on behalf of all women. We have \$5 million more available, action and resources now available.

* * *

[Translation]

FIREARMS REGISTRY

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, 17 years ago, on December 6, 1989, Marc Lépine killed 14 women at École Polytechnique. In 1995, the Liberal government adopted legislation to create the firearms registry. The Conservative government, led by its extreme right-wing ideology, decided to do away with that registry.

Why does this government refuse to listen to the families and loved ones of the victims of this tragic event, which we will never forget?

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I fully agree with my hon. colleague regarding the sentiment felt today, on this truly very sad anniversary. Nevertheless, I do not agree with her remarks concerning the firearms registry. That registry still exists. We are going to strengthen the registry and establish a more effective system. It is not true that we abandoned the registry. It still exists.

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, the measures taken concerning the firearms registry by this minority government, with its extreme right-wing ideology, are likely to make the registry obsolete within a few years. Its decision regarding the firearms registry goes against Canadian values.

Nancy Burrows, of the Fédération des femmes du Québec, is calling on this government to reverse its decision. She said that the registry had considerably reduced the number of violent crimes committed against women.

Will the Prime Minister, who still refuses to meet with Hayder Kadhim, finally listen to these requests?

[English]

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, we are responding to these calls and we have been responding, first to the calls of the Auditor General to make sure that the programs that are being financed by our taxpayers are actually effective.

Certain elements of the firearms registry have proven not to be effective and, as a matter of fact, have proven to be a huge waste of money.

Just as my friend and hon. colleague is able to quote from certain individuals, we have a long list of police officials, victims, victims organizations and also relatives of people who have been tragically slain by firearms in an illegal way who have encouraged us to continue the course that we are on.

* * *

VIOLENCE AGAINST WOMEN

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, today we commemorate the National Day of Remembrance and Action on Violence Against Women.

Canadian women are far more likely than men to be the victims of violent offences, but the government has put at risk the funding to shelters to aid women fleeing abusive relationships by not extending the national homelessness initiative.

How many shelters will be forced to close their doors when the Minister of Human Resources padlocks the national homelessness initiative?

• (1450)

Hon. Diane Finley (Minister of Human Resources and Social Development, CPC): Mr. Speaker, I really do not understand why the hon. member keeps trying to scaremonger people about the situation. The facts of the situation are that we extended the national homelessness initiative with funding right through March 31, 2007. Not only that, but we also added to that \$37 million in August. That is \$37 million that the previous government did not see fit to spend on this issue.

Ms. Tina Keeper (Churchill, Lib.): Mr. Speaker, the mean-spirited government cut the Status of Women's budget by 40% and funding cuts have affected the North End Women's Resource Centre in Manitoba, the Hope Mission Women's Centre in Alberta, the Nova Vita Women's Shelter in Ontario and many more throughout the country.

How can the government say it supports campaigns to eradicate violence against women when it has pulled the rug out from under their organizations?

Hon. Bev Oda (Minister of Canadian Heritage and Status of Women, CPC): Mr. Speaker, I want to make the record accurate. This government has acted: \$6 million for shelters in first nations communities; \$7 million in permanent annual funding toward the family violence initiative through the Public Health Agency of Canada; \$5 million to the Sisters in Spirit to end racial and sexual violence; plus the \$5 million from administration directly to women.

In fact, it was the party of the member opposite that cut the funding to women's programs three times and the funding to the Status of Women five times.

Oral Questions

AFGHANISTAN

Mr. Rick Norlock (Northumberland—Quinte West, CPC): Mr. Speaker, the new Leader of the Opposition has recently been talking about a Marshall plan for Afghanistan.

Can the Minister of Foreign Affairs please tell the House what type of reconstruction plan is in place in Afghanistan?

Hon. Peter MacKay (Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency, CPC): Mr. Speaker, in fact many have suggested there should be a Marshall plan for Afghanistan.

I point out that last January, Canada, as a major contributor to the Afghanistan Compact which sets goals for stabilizing Afghanistan, strengthening governance and reducing poverty, which is the equivalent of a Marshall plan, recognizing that long term state building is ultimately the key to sustainable peace and security, pledged approximately \$100 million annually to development assistance in Afghanistan to year 2011. This makes it the single largest recipient of Canadian bilateral aid.

We are making progress. There are 150,000 Afghan women now with access to Canadian microcredit and 5,000 rural development projects. Progress is being made for the people of Afghanistan.

* * *

CANADIAN FORCES

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, so far the vast majority of postings to Afghanistan have been for six months. Now the Vandoos from Quebec have been posted for nine months rather than six.

This poorly planned mission initiated by the Liberals is placing undue hardships on our military families. Will the minister please tell soldiers and their families whether future deployments will be for six months, for nine months, or will they be longer? Military families need to know. They need to be able to plan. What will it be?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, as I said earlier, what we intend to do is try to ensure that soldiers who are in harm's way in the battle group or in the PRT will not go there a second time. To do that we have to adjust sometimes the lengths of the tours, but the tours of the fighting troops will be six months.

Ms. Dawn Black (New Westminster—Coquitlam, NDP): Mr. Speaker, not only are we sending them for a longer deployment, we also cut their pay if they are injured in battle. This is shameful. The minister promised almost three months ago that he would address this matter. He promised it again in the House a few weeks later.

Why has this problem not been fixed? When will the minister ensure that every wounded soldier when returned to Canada will not have a pay cut?

Hon. Gordon O'Connor (Minister of National Defence, CPC): Mr. Speaker, I addressed this earlier and I said our government will stand by our soldiers and make sure that they get all that is due them.

Oral Questions

By the way, nobody is cut by pay. That is a misleading piece of information. We will be addressing the issue of so-called wounded pay very quickly.

* * *

CANADIAN WHEAT BOARD

Hon. Wayne Easter (Malpeque, Lib.): Mr. Speaker, in glaring contrast with the no directives Minister of Public Safety, the Minister of Agriculture and Agri-Food issues a directive a day to a non-government agency.

Not only has the minister put gag orders on board members, he has now directed the Wheat Board on two occasions to take down its website containing an analysis of the discredited task force.

The Prime Minister may believe this is the dark ages where he can use a big stick, but this is the 21st century, the information age. Why is the government suppressing information?

Will the minister just allow the board to do its job for farmers?

• (1455)

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, speaking of information, I am interested in why the members opposite do not want access to information on the Canadian Wheat Board.

The deputy information commissioner said:

I know the concern expressed by the representatives of the Canadian Wheat Board had, at their foundation, a belief that becoming subject to access rendered them incapable of effectively carrying out their mandate. I am here to tell you that is absolutely wrong.

What are they hiding over there? Why do they not want access to information so farmers can find out what is really going on at the Canadian Wheat Board?

Hon. Wayne Easter (Malpeque, Lib.): What is really going on, Mr. Speaker, is that minister is trying to destroy the board and take income from farmers.

The minister's attack on the Wheat Board has nothing to do with what farmers want. It has everything to do with the Prime Minister's ideology.

To fire a CEO without cause, a man well respected around the world and \$6 billion of grain marketed to some 70 countries, is unconscionable. He has 33 years of experience.

Canada's international reputation is being destroyed. Is the minister not concerned about our markets? Will the Prime Minister not just rein in his minister from his crazy actions?

Hon. Chuck Strahl (Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board, CPC): Mr. Speaker, mostly I am concerned about the decibel level over there.

What we saw just before question period is the leader of the Liberal Party saying that he is going to keep the Canadian Wheat Board exactly the way it is no matter what farmers say.

It is interesting. The CFA says we should have a plebiscite. The barley growers say we should have a plebiscite. The ag producers'

association of Saskatchewan says let us have a plebiscite. The wheat growers say let us have a plebiscite.

We are listening to farmers. We are consulting with farmers. We are going to have a plebiscite. Why is the only person in here who thinks we will not listen to farmers the leader of the Liberal Party of Canada?

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, certainly when I become Prime Minister I will restore the Canadian Wheat Board and it will only be changed through a fair vote, not a trick vote.

Will the Prime Minister respect the law, end his political interference and let farmers decide the future of the Wheat Board?

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, the Leader of the Opposition says to not politically interfere. He has a political press conference with the president of the Wheat Board. We want the Wheat Board to get on with selling grain.

This party has long listened to western Canadian farmers. That is why it was elected by western Canadian farmers in almost every riding. I would urge the leader of the Liberal Party to get out west and actually meet some Canadian farmers.

Hon. Stéphane Dion (Leader of the Opposition, Lib.): Mr. Speaker, I will be very interested in campaigning and facing the Prime Minister next time about the future of the Canadian Wheat Board.

He wants to know why the president of the Wheat Board came to see me. It was because the Prime Minister is asking him to choose between breaking the law or being fired by the government.

Does the Prime Minister think this is a correct approach for him to take with an institution that is controlled by the farmers?

• (1500)

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, I got involved in this issue some years ago when the previous government, of which the hon. member was a member, jailed western Canadian farmers for selling their own wheat. It imposed a regime only on western Canada and would not impose it on anyone else. That was wrong. That is why we are moving to a marketing choice and that is why, unlike the other party, the Conservatives are prepared to consult and listen to western Canadian farmers.

* * *

[*Translation*]

MARRIAGE

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, the motion on marriage tabled by the government presages a serious breach of the Charter of Rights and Freedoms.

Will the Prime Minister admit that if his motion is adopted, individuals will not be treated equally and there will be those who had rights before the Conservative government was elected and those who will no longer have rights afterwards?

Oral Questions

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker, today we will debate this issue and tomorrow there will be a vote.

After the Liberal Party of Canada leadership convention, the leader of that party declared that it was a question of fundamental rights. Now, he has decided that it is really a case of individual conscience.

We are of that opinion as well and I congratulate the leader of the official opposition for having accepted our position on this issue.

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, the rights and freedoms of a minority should not be subject to an arbitrary decision by anyone.

Will the Prime Minister acknowledge that this House must make decisions irregardless of religious convictions and with respect for civil rights and freedoms, and that it is a dangerous precedent to submit the rights of some to the religion of others?

[English]

Hon. Vic Toews (Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, the question has been very carefully crafted. This was an election promise by the Prime Minister. He is carrying out that promise today. We will have the opportunity to hear from all members from all sides. I know that this is an issue that divides all parties. We hope to have a resolution of this matter in an orderly fashion.

* * *

ABORIGINAL AFFAIRS

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, yesterday the minority Conservative government received yet another reminder of how unpopular it is with Canada's aboriginal people. The Minister of Indian Affairs and Northern Development had his remarks to hundreds of aboriginal protesters shouted down with calls of shame over his government's handling of the Indian affairs portfolio.

How many more times does the minister need to be called shameful before his government acknowledges that it has no plan to alleviate aboriginal poverty whatsoever?

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, a fundamental difference between the new Conservative government and the former Liberal government is that Conservatives do not hide behind phony press releases and empty promises.

I will meet with aboriginal leaders at any time in their communities. I will meet with them on the steps of the legislative building. I will meet with them at forums such as the AFN. I do not shirk from that responsibility. We do not always agree, but they respect that they are dealing with a government that does what it says and says what it does.

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, yesterday, in the presence of a very enthusiastic group of British Columbia students, all parties in this House came together to support Bill C-34, the first nations jurisdiction over education in British Columbia act, truly a historic event.

Could the Minister of Indian Affairs please inform the House of the key elements in this bill and how it is important for aboriginal generations to come?

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, it was with considerable pride yesterday, accompanied by the students from the Chalo School of Fort Nelson, the Bella Bella Community School and also the first nations education steering committee, that Bill C-34, the first nations jurisdiction over education in British Columbia act, unanimously cleared this House and was fast-tracked to the Senate.

This legislation would allow British Columbia first nations to assume full control over education on reserve at both the elementary and secondary school levels. It would give the means to deliver high-quality, meaningful education with provincial comparability. I believe passionately in this because bright, young, and articulate aboriginal children—

The Speaker: The hon. member for Surrey North.

* * *

● (1505)

HEALTH

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, under the Liberal government in British Columbia, we have seen a huge increase in the number of private health clinics looking to open and profit from our health care system. The False Creek Urgent Care Centre wants to charge extra for medically necessary services and is currently in secret negotiations with the Campbell government.

It is the federal government that is charged with protecting patients by upholding the Canada Health Act. What steps has the minister taken to ensure the Canada Health Act is not violated in British Columbia?

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, the government supports the principles that are found in the Canada Health Act. Upon this issue being made public and made aware of the issue, we were in contact with the B.C. government. We were aware of the B.C. government's own concerns. The B.C. government acted, with our support, to review this particular clinic, and I might say that I think it acted in the right way.

Ms. Penny Priddy (Surrey North, NDP): Mr. Speaker, that clinic is now saying it needs more money from the government. It is the job of the Prime Minister to protect ordinary Canadians from getting charged extra fees for medical service. That is what medicare is all about. It is about ensuring that everyone, regardless of their economic status, has access to the best medical care, not just those with money.

The previous Liberal government refused to protect patients. As a result, privatization and P3s have grown across Canada. What will the Prime Minister do to ensure these private clinics in B.C.—

The Speaker: The hon. Minister of Health.

Government Orders

Hon. Tony Clement (Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario, CPC): Mr. Speaker, as we have noted, this clinic has in fact engaged with the B.C. government. The B.C. government is, in the first instance, able to respond to its own legislation. It has to remain consistent with the Canada Health Act. If the hon. member feels so strongly about it, why does she not tell the leader of her party not to visit private clinics the first time he needs some help?

* * *

ABORIGINAL AFFAIRS

Hon. Anita Neville (Winnipeg South Centre, Lib.): Mr. Speaker, many aboriginal leaders will be very surprised with the minister's previous answer. The protesters yesterday said that it was a shame for cutting aboriginal languages, for not signing the declaration on indigenous people, and for not honouring Kelowna. National Chief Phil Fontaine said, "Our people are frustrated and angry. We feel betrayed and we simply can't be silent about this betrayal".

When will the Minister of Indian Affairs acknowledge his government's efforts are abysmal and begin to rebuild trust with aboriginal Canadians by reinstating the Kelowna accord?

Hon. Jim Prentice (Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I will stand with pride and conviction in this House at any time and defend the policies of the government relative to aboriginal Canadians. As for my hon. friend, perhaps she might consider to buy a dog and call it "empty promise".

* * *

GOODS AND SERVICES TAX

Mr. Rick Dykstra (St. Catharines, CPC): Mr. Speaker, in 1993 the Liberal Party campaigned on the elimination of the GST, all 7% of it. It has become the infamous red book promise because it never kept it. The new Leader of the Opposition has stated that he is actually against reducing the GST.

Could the Minister of Finance please share with this House why reducing the GST is so good for all Canadians?

Hon. Jim Flaherty (Minister of Finance, CPC): Mr. Speaker, finally a terrific question about the GST and I thank the member for St. Catharines.

Unlike the old Liberal government, we promised to reduce the GST and we did. On July 1 the GST went down from 7% to 6%. It is a tax reduction for all Canadians, including the one-third of Canadians who do not pay income tax, and it provides substantial tax relief for shoppers.

The head of the Retail Council of Canada says this is a very powerful tool for increasing the incomes of Canadians and great for the shopping season this December in Canada. Unlike the Liberals, who for over 13 years provided just—

Some hon. members: More, more!

The Speaker: More is going to have to wait for tomorrow.

GOVERNMENT ORDERS

[English]

SOFTWOOD LUMBER PRODUCTS EXPORT CHARGE ACT, 2006

The House resumed from December 5 consideration of the motion that Bill C-24, An Act to impose a charge on the export of certain softwood lumber products to the United States and a charge on refunds of certain duty deposits paid to the United States, to authorize certain payments, to amend the Export and Import Permits Act and to amend other Acts as a consequence, be read the third time and passed.

The Speaker: It being 3:10 p.m., the House will now proceed to the taking of the deferred recorded division on the motion at the third reading stage of Bill C-24.

Call in the members.

● (1520)

[Translation]

(The House divided on the motion, which was agreed to on the following division:)

(Division No. 93)

YEAS

Members

Abbott	Ablonczy
Albrecht	Allen
Allison	Ambrose
Anders	Anderson
André	Asselin
Bachand	Baird
Barbot	Batters
Bellavance	Benoit
Bernier	Bezan
Bigras	Blackburn
Blais	Bonsant
Boshcoff	Bouchard
Bourgeois	Breitkreuz
Brown (Leeds—Grenville)	Brown (Barrie)
Bruinooge	Brunelle
Calkins	Cannan (Kelowna—Lake Country)
Cannon (Pontiac)	Cardin
Carrie	Carrier
Casey	Casson
Chong	Clement
Comuzzi	Crête
Cummins	Davidson
Day	DeBellefeuille
Del Mastro	Demers
Deschamps	Devolin
Doyle	Duceppe
Dykstra	Emerson
Epp	Faille
Fast	Finley
Fitzpatrick	Flaherty
Fletcher	Freeman
Gagnon	Galipeau
Gallant	Gaudet
Gauthier	Goldring
Goodyear	Gourde
Grewal	Guay
Guergis	Guimond
Hanger	Harper
Harris	Harvey
Hawn	Hearn
Hiebert	Hill
Hinton	Jaffer
Jean	Kamp (Pitt Meadows—Maple Ridge—Mission)
Keddy (South Shore—St. Margaret's)	Kennedy (Calgary Southeast)
Komarnicki	Kotto

Kramp (Prince Edward—Hastings)
 Laframboise
 Lalonde
 Lavallée
 Lemieux
 Lévesque
 Lunn
 Lussier
 MacKenzie
 Manning
 Mayes
 Ménard (Marc-Aurèle-Fortin)
 Merrifield
 Mills
 Moore (Fundy Royal)
 Nadeau
 Norlock
 Obhrai
 Ouellet
 Paquette
 Perron
 Picard
 Poilievre
 Preston
 Reid
 Ritz
 Scheer
 Shipley
 Smith
 Sorenson
 St-Hilaire
 Storseth
 Sweet
 Basques)
 Thompson (New Brunswick Southwest)
 Tilson
 Trost
 Tweed
 Van Loan
 Verner
 Wallace
 Warkentin
 Yetich — 173

Laforest
 Lake
 Lauzon
 Lemay
 Lessard
 Lukiwski
 Lunney
 MacKay (Central Nova)
 Malo
 Mark
 Ménard (Hochelaga)
 Menzies
 Miller
 Moore (Port Moody—Westwood—Port Coquitlam)
 Mourani
 Nicholson
 O'Connor
 Oda
 Pallister
 Paradis
 Petit
 Plamondon
 Prentice
 Rajotte
 Richardson
 Roy
 Schellenberger
 Skelton
 Solberg
 St-Cyr
 Stanton
 Strahl
 Thibault (Rimouski-Neigette—Témiscouata—Les
 Thompson (Wild Rose)
 Toews
 Turner
 Van Kesteren
 Vellacott
 Vincent
 Warawa
 Watson

NAYS

Members

Alghabra
 Atamanenko
 Bains
 Bell (Vancouver Island North)
 Bevilacqua
 Black
 Bonin
 Brown (Oakville)
 Cannis
 Charlton
 Christopherson
 Comartin
 Crowder
 Cullen (Etobicoke North)
 Davies
 Dhaliwal
 Dion
 Dryden
 Eyking
 Godfrey
 Graham
 Hubbard
 Jennings
 Kadis
 Keeper
 Lapierre
 LeBlanc
 MacAulay
 Maloney
 Marston
 Martin (Winnipeg Centre)
 Masse
 Matthews
 McDonough
 McGuire
 McTeague

Angus
 Bagnell
 Beaumier
 Bell (North Vancouver)
 Bevington
 Blaikie
 Brison
 Byrne
 Chan
 Chow
 Coderre
 Cotler
 Cullen (Skeena—Bulkley Valley)
 Cuzner
 Dewar
 Dhalla
 Dosanjh
 Easter
 Fry
 Goodale
 Guarnieri
 Ignatieff
 Julian
 Karetak-Lindell
 Khan
 Layton
 Lee
 Malhi
 Marleau
 Martin (Esquimalt—Juan de Fuca)
 Martin (Sault Ste. Marie)
 Mathysen
 McCallum
 McGuinty
 McKay (Scarborough—Guildwood)
 Merasty

Private Members' Business

Minna
 Nash
 Owen
 Patry
 Priddy
 Ratansi
 Regan
 Rodriguez
 Russell
 Savoie
 Scott
 Siksay
 St. Amand
 Stoffer
 Szabo
 Temelkovski
 Tonks
 Wappel
 Wilfert
 Wrzesnewskij

Murphy (Charlottetown)
 Neville
 Pacetti
 Peterson
 Proulx
 Redman
 Robillard
 Rota
 Savage
 Scarpaleggia
 Sgro
 Silva
 St. Denis
 Stronach
 Telegdi
 Thibault (West Nova)
 Valley
 Wasylcia-Leis
 Wilson
 Zed — 112

PAIRED

Members

Boucher

Loubier — 2

The Speaker: I declare the motion carried.

PRIVATE MEMBERS' BUSINESS

[English]

CANADA LABOUR CODE

Bill C-295. On the Order: Private Members' Bills:

Second reading of Bill C-295, An Act to amend the Canada Labour Code (replacement workers)—Ms. Catherine Bell.

The Speaker: I wish to inform the House that in accordance with the recommendations contained in the 23rd report of the Standing Committee on Procedure and House Affairs that was concurred in by the House on Monday, November 27, I have received notification from the member for Vancouver Island North requesting that the order for second reading of Bill C-295, An Act to amend the Canada Labour Code (replacement workers), be discharged and the bill withdrawn.

[Translation]

Consequently, the order for second reading of Bill C-295 is revoked and the bill is dropped from the order paper.

(Order discharged and bill withdrawn)

[English]

The Speaker: In addition, the hon. member for Vancouver Island North has placed on notice another item of private members' business, Motion No. 262, which she has indicated, in accordance with the recommendation of the committee, she wishes to substitute for Bill C-295, and which therefore will be placed at the bottom of the order of precedence.

[Translation]

I thank all hon. members for the opportunity to make this statement.

Routine Proceedings

[English]

POINTS OF ORDER

ORAL QUESTIONS

Mr. Mark Holland (Ajax—Pickering, Lib.): Mr. Speaker, I would seek to table, in both official languages, a letter that was received by the chair of the public safety and national security committee from the Commissioner of the RCMP dated November 2, along with additional notes that explain what occurred yesterday, that the testimony yesterday was stated previously and that those contradictions were known by the government on November 2.

The Speaker: Does the hon. member for Ajax—Pickering have the unanimous consent of the House to table these documents?

Some hon. members: Agreed.

Some hon. members: No.

[Translation]

STATEMENTS BY MEMBERS

Hon. Jean-Pierre Blackburn (Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec, CPC): Mr. Speaker, I rise on a point of order. Earlier, during statements by members, the hon. member for Saint-Bruno—Saint-Hubert said that the 911 service is not linked in any way to federal government jurisdiction.

We know that currently in Parliament, in the standing committee in particular, we are considering Bill C-257, commonly referred to as the anti-scab bill.

This bill is extremely important, since it would destroy the balance with respect to Part I of the Canada Labour Code, which allows the use of replacement workers. If that is done, it should not be done with the intention of undermining union representation.

Yesterday, in the standing committee, I also reminded the committee members that the federal government is involved in vital jurisdictions in Canada, among others, in transportation: air transport, rail transport, sea transport, and also in matters of banking and telecommunications. As far as telecommunications are concerned, this covers all the services offered throughout the—

The Speaker: Order, please. I have not heard anything since the minister began that would, in fact, raise a point of order. In my opinion, this is a matter of debate and we cannot continue debates begun in the House during question period or during statements by members by rising on a point of order. This is prohibited and the Chair cannot allow it.

Does the hon. member for Roberval—Lac-Saint-Jean wish to help me on this?

• (1525)

Mr. Michel Gauthier (Roberval—Lac-Saint-Jean, BQ): Mr. Speaker, I want to commend you.

You understood perfectly well that the minister was, from word one, completely off the mark on what we call a point of order. He was making an argument.

I want to thank you for doing your job so well.

The Speaker: Perhaps we could now continue by proceeding to the tabling of documents.

ROUTINE PROCEEDINGS

[English]

GENOME CANADA

Mr. Colin Carrie (Parliamentary Secretary to the Minister of Industry, CPC): Mr. Speaker, in accordance with Standing Order 32 (2) I have the honour to table, in both official languages, on behalf of the Minister of Industry, the annual report of Genome Canada for 2005-06.

* * *

GOVERNMENT RESPONSE TO PETITIONS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to eight petitions.

* * *

GWICH'IN COMPREHENSIVE LAND CLAIM AGREEMENT

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, under the provisions of Standing Order 32, I have the honour to table, in both official languages, copies of the 2003-04 annual report of the implementation committee on the Gwich'in Comprehensive Land Claim Agreement.

* * *

INTERPARLIAMENTARY DELEGATIONS

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the delegation of the OSCE Canada-Europe Parliamentary Association on the 15th annual session of the OSCE Parliamentary Assembly held in Brussels, Belgium, from July 3 to 7.

Pursuant to Standing Order 34(1) I also have the honour to present to the House, in both official languages, the report of the delegation of the OSCE Canada-Europe Parliamentary Association on the expanded bureau meeting of the OSCE Parliamentary Assembly held in Copenhagen, Denmark on April 24.

Also pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the delegation of the OSCE Canada-Europe Parliamentary Association on the International Referendum Observation Mission for the Referendum on the State-Status of Montenegro.

Routine Proceedings

Hon. Bryon Wilfert (Richmond Hill, Lib.): Mr. Speaker, pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the Canadian Delegation of the Canada-Japan Inter-Parliamentary Group representing its participation at the third executive committee meeting of the Interparliamentarians for Social Services held in Jeju, Korea from August 23 to 25.

Pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the Canadian Delegation of the Canada-Japan Inter-Parliamentary Group representing its participation at the first workshop of the Asia-Pacific Parliamentarians' Conference on Environment and Development, held in Seoul, Korea from September 1 to 3.

Pursuant to Standing Order 34(1) I have the honour to present to the House, in both official languages, the report of the Canadian Delegation of the Canada-Japan Inter-Parliamentary Group representing its participation at the 27th General Assembly of the ASEAN Inter-Parliamentary Organization held in Cebu, Philippines, from September 10 to 15.

* * *

COMMITTEES OF THE HOUSE

ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

Mr. Colin Mayes (Okanagan—Shuswap, CPC): Mr. Speaker, I have the honour to present, in both official languages, the fifth report of the Standing Committee on Aboriginal Affairs and Northern Development, regarding Bill C-292, An Act to implement the Kelowna Accord.

• (1530)

[Translation]

FINANCE

Mr. Brian Pallister (Portage—Lisgar, CPC): Mr. Speaker, I have the honour to present, in both official languages, the seventh report of the Standing Committee on Finance, on Bill C-28, A second Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006, with amendments.

[English]

AGRICULTURE AND AGRI-FOOD

Mr. Gerry Ritz (Battlefords—Lloydminster, CPC): Mr. Speaker, I have the honour today to present, in both official languages, the sixth report of the Standing Committee on Agriculture and Agri-Food, complete with a dissenting report.

* * *

[Translation]

PETITIONS

VOLUNTEERISM

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine, Lib.): Mr. Speaker, I am honoured to present a petition here today signed by several hundred citizens who wish to bring to our attention the fact that, every year, there are tens of thousands of young Canadians who wish to volunteer their services either in Canada or abroad.

These petitioners are calling on the government to pass legislation or otherwise take action to ensure that every young Canadian who wishes to do so may volunteer their services either nationally or internationally.

[English]

AGE OF CONSENT

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, I have the privilege of presenting two petitions today.

The first petition has over 250 signatures of petitioners calling on Parliament to raise the age of sexual consent from 14 to 18.

MARRIAGE

Mr. James Bezan (Selkirk—Interlake, CPC): Mr. Speaker, the second petition calls on Parliament to bring back the definition of marriage to mean the lawful union between one man and one woman to the exclusion of all others.

[Translation]

NON-GOVERNMENTAL ORGANIZATIONS

Mr. Jean-Yves Roy (Haute-Gaspésie—La Mitis—Matane—Matapédia, BQ): Mr. Speaker, I am honoured to rise in this House today to present a petition signed by several hundred people—nearly a thousand—especially young people, criticizing the lack of funding provided by this government to the many experienced, competent non-governmental organizations that offer volunteer programs for young people.

[English]

AFGHANISTAN

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, I have a petition from my constituents in the Nelson-Castlegar area. The petitioners say that the Government of Canada has committed the Canadian Forces to an unbalanced counter-insurgent mission in southern Afghanistan that has no clear objectives, criteria for progress, definition of success or exit strategy. The petitioners call upon the Government of Canada to begin the withdrawal of the Canadian Forces from the counter-insurgency mission in southern Afghanistan.

TAXATION

Mrs. Lynne Yelich (Blackstrap, CPC): Mr. Speaker, on behalf of the Minister of Human Resources and Social Development, I would like to present a petition recognizing that Canada's personal Income Tax Act is discriminatory, unjust and particularly unfair to retirees who have done no wrong and do not deserve to be penalized. Other modern countries allow spouses living in the same household to pay taxes as if the total family income were earned equally. The petitioners believe that income splitting is accepted for CPP, QPP and marriage breakdown, and the Canada pension plan and family law act recognize that in a marriage or a common law relationship both spouses or common law partners share in the building of their assets and their entitlements. I present this petition on behalf of those constituents.

Routine Proceedings

[Translation]

VOLUNTEERISM

Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ): Mr. Speaker, I am honoured to present a petition containing some 4,000 names. The petitioners are calling on Parliament to take measures to ensure that every young Canadian who wishes to do so may volunteer their services either nationally or internationally.

[English]

CHILD CARE

Hon. Gerry Byrne (Humber—St. Barbe—Baie Verte, Lib.): Mr. Speaker, pursuant to Standing Order 36 I have the honour of presenting to this House a petition composed of approximately 15 pages of names of residents of Humber—St. Barbe—Baie Verte who call upon the government and the Prime Minister of Canada to honour what is known as the moving forward on an early learning and child care agreement, which was signed between the Government of Canada and the Government of Newfoundland and Labrador on May 13, 2005, instead of cancelling this signed commitment. The petitioners remind Parliament that this agreement was a \$75 million five year funding agreement on early learning and child care with the Government of Canada. They call upon the government to reinstate it as it was originally described.

● (1535)

MARRIAGE

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I have the honour today to present a petition on behalf of the residents of Kitchener—Conestoga and surrounding area. The petition is signed by over 400 people.

The petitioners call upon Parliament to use all possible legislative and administrative measures to preserve and protect the traditional definition of marriage as between one man and one woman.

YOUTH VOLUNTEER PROGRAMS

Ms. Judy Wasylycia-Leis (Winnipeg North, NDP): Mr. Speaker, I am very pleased to be able to present to the House three very large petitions pertaining to youth volunteerism in Canada. I join with many members from all sides of this House in doing so this week. This is part of a major effort organized by a coalition of non-governmental organizations, all concerned with youth participation in our society today.

This coalition has organized a petition and has collected some 60,000 signatures. The petitioners call upon the government to recognize that cutbacks in this area are harmful to providing enriched opportunities for our young people. The petitioners ask us all to enact legislation that will allow our young people to serve in communities as volunteers at the national or international levels.

[Translation]

FINANCIAL INSTITUTIONS

Mr. Guy André (Berthier—Maskinongé, BQ): Mr. Speaker, I am honoured to rise in this House today to present a petition signed by some of my constituents, calling on the federal government to ensure the protection of consumers in the financial services industry by appointing a federal ombudsman with the necessary authority to

defend citizens, and to establish an independent system to inspect financial institutions regarding their self-regulation processes.

This petition comes as a result of problems encountered with CIBC by a consumer in my riding.

[English]

LITERACY

Ms. Nancy Karetak-Lindell (Nunavut, Lib.): Mr. Speaker, I am very pleased to present two petitions on behalf of my constituents in the riding of Nunavut. The petitioners call upon Parliament to reinstate the funding to literacy programs that was cut by the Conservative government and to undertake a national literacy strategy to ensure that all Canadians have the opportunity to achieve this vital skill.

MARRIAGE

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, these petitioners and residents of Canada draw to the attention of the House that the institution of marriage is the permanent union of one man and one woman excluding all others, that it is the most stable foundation of families, the best setting for bringing up children, and predates all states, governments and parliaments.

They also remind us that the Marriage for Civil Purposes Act encourages adults to violate the equality rights enshrined in section 15 of the Canadian Charter of Rights and Freedoms by intentionally depriving, in the case of same sex marriage, certain children of the natural right to know and to be raised by both their mother and father, a right recognized by the United Nations Convention on the Rights of the Child and ratified by Canada in 1991.

These petitioners call upon Parliament to reopen the issue of marriage in this Parliament and to repeal or to amend the Marriage for Civil Purposes Act in order to promote and defend marriage as the lawful union of one man and one woman to the exclusion of all others.

[Translation]

SUPPORTING COMMUNITIES PARTNERSHIP INITIATIVE

Mr. Christian Ouellet (Brome—Missisquoi, BQ): Mr. Speaker, I want to thank my colleague from Terrebonne for this petition from the Café de la rue des Solidaires. These are people who are working to prevent homelessness.

The petition asks that the government renew the SCPI and RHF programs immediately, because these people are losing the momentum they had in their communities. They provide a drop-in centre, where they offer a range of support and other services. They are threatened if the SCPI is not renewed in its entirety. They will lose a great deal, as they say. Several hundred young adults will be affected if this program is not renewed or if its funding is cut.

[English]

CANADA POST CORPORATION

Hon. Andy Scott (Fredericton, Lib.): Mr. Speaker, I have the pleasure of presenting two petitions this afternoon.

The first calls upon the House of Commons and the minister responsible for Canada Post to maintain traditional mail delivery and service instead of implementing changes that are causing people to travel long distances from their homes to receive their mail.

• (1540)

HEALTH

Hon. Andy Scott (Fredericton, Lib.): The second, Mr. Speaker, is in recognition of the need to deal with childhood obesity and a significant reduction in the amount of physical activity and in investment by the Government of Canada. The petitioners, residents of Canada, are calling upon the Government of Canada to invest the equivalent of 1% of federal health funding in sport and physical activity.

TRANSPORT

Mr. Mark Warawa (Langley, CPC): Mr. Speaker, I have two petitions to present. The first one is from constituents in my riding of Langley. First, they are calling on the House of Commons to develop a long range 50-year master transportation plan for the lower mainland. Second, they are asking the government to assist Langley in determining whether alternate and safe routes for the bulk and container traffic that travels to Langley are warranted. Third, they are asking that the federal government provide adequate funding for railroad separation projects and potential alternative routes. Fourth, they are asking the federal government to assist Langley in securing efficient, workable and affordable transportation systems that include light rail at surface levels, with growth capacity as required.

AGRICULTURE

Mr. Mark Warawa (Langley, CPC): The second petition, Mr. Speaker, is again from constituents in my riding of Langley, and is in regard to a ban on terminator technologies. They are asking Parliament to enshrine in legislation a permanent national ban on terminator technologies, genetic use restriction technologies, to ensure that these terminators are never planted, field tested, patented or commercialized in Canada.

AGE OF CONSENT

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): Mr. Speaker, it gives me great pleasure to present two petitions this afternoon. The first, with 116 signatures, is from residents around the Edmonton area who are calling on Parliament to take all measures necessary to immediately raise the age of consent from 14 to 16 years of age.

YOUTH VOLUNTEER PROGRAMS

Mr. Rahim Jaffer (Edmonton—Strathcona, CPC): My second petition, Mr. Speaker, is quite a large petition of just over 2,000 signatures from across the country. It is pertinent, with this being national volunteerism week. Just over 2,000 people are calling on Parliament to enact legislation or take measures that will allow young Canadians who wish to do so to serve in communities as volunteers at the national or international level.

Routine Proceedings

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, if Question No. 109 could be made an order for return, this return would be tabled immediately.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

[Text]

Question No. 109—**Ms. Dawn Black:**

With regard to the government's development and reconstruction spending in Afghanistan since 2001: (a) what have been the government's priorities for development and reconstruction; (b) what projects, completed or ongoing, have been undertaken; (c) what are the specific locations, by province, within Afghanistan of each completed and ongoing project; (d) how much money has been (i) pledged to each project, (ii) dispersed for each project, (iii) planned for disbursement for each project that is still ongoing; (e) who were the partners of each completed and ongoing project; (f) for those projects with more than one partner, what percentage of the funding, by partner, has been allocated to (i) Canadians or to Canadian organizations, (ii) Afghan individuals or to Afghan organizations, (iii) the government of Afghanistan, (iv) multilateral organizations; (g) with start and end dates, what was the duration of each completed project and what is the expected duration of each ongoing project; (h) what are the results of the completed projects, and what are the interim results of the ongoing projects; (i) which of these projects have been carried out by the Provincial Reconstruction Team; and (j) how much funding has been approved for projects in future years, but have not yet begun, and where will they take place?

(Return tabled)

[English]

Mr. Tom Lukiwski: Mr. Speaker, I ask that all remaining questions be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

* * *

MOTIONS FOR PAPERS

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I ask that all notices of motions for the production of papers be allowed to stand.

The Deputy Speaker: Is that agreed?

Some hon. members: Agreed.

[Translation]

The Deputy Speaker: I wish to inform the House that because of the deferred recorded divisions, government orders will be extended by 11 minutes.

[For continuation of proceedings see Part B]

CONTENTS

Wednesday, December 6, 2006

STATEMENTS BY MEMBERS

The Environment		Mr. Day.....	5689
Mr. Miller	5685	Ms. Robillard.....	5689
Violence Against Women		Mr. Day.....	5689
Ms. Minna.....	5685	Firearms Registry	
Replacement Workers		Mr. Duceppe.....	5689
Mrs. Lavallée.....	5685	Mr. Harper.....	5689
Violence Against Women		Mr. Duceppe.....	5689
Ms. Black	5686	Mr. Harper.....	5690
<i>From an Island to an Island</i>		Mrs. Mourani.....	5690
Mr. Manning	5686	Mr. Day.....	5690
Status of Women		Mrs. Mourani.....	5690
Mr. Simms.....	5686	Mr. Day.....	5690
Halifax Explosion		Status of Women	
Mr. Keddy.....	5686	Mr. Layton	5690
Maria Chapdelaine Regional Women's Centre		Mr. Harper.....	5690
Mr. Gauthier.....	5686	Mr. Layton	5690
Violence against Women		Mr. Harper.....	5690
Mr. Harvey.....	5687	RCMP Commissioner	
Violence Against Women		Mr. Ignatieff.....	5691
Mrs. Kadis.....	5687	Mr. Day.....	5691
L'École Polytechnique		Mr. Ignatieff.....	5691
Ms. Guergis.....	5687	Mr. Harper.....	5691
L'École Polytechnique		Mr. Holland	5691
Ms. Bell (Vancouver Island North).....	5687	Mr. Day.....	5691
École polytechnique		Mr. Ménard (Marc-Aurèle-Fortin).....	5691
Ms. Marleau.....	5687	Mr. Day.....	5691
École Polytechnique		Mr. Ménard (Marc-Aurèle-Fortin).....	5692
Ms. Deschamps.....	5688	Mr. Day.....	5692
Violence Against Women		Status of Women	
Mr. Dhaliwal	5688	Ms. Bourgeois.....	5692
Federal Accountability Act		Ms. Oda.....	5692
Mr. Batters.....	5688	Mrs. Freeman.....	5692
National Day of Remembrance and Action on Violence Against Women		Ms. Oda.....	5692
The Speaker.....	5688	Firearms Registry	
		Mrs. Jennings.....	5692
		Mr. Day.....	5692
		Mrs. Jennings.....	5692
		Mr. Day.....	5692
		Violence against Women	
		Ms. Keeper.....	5693
		Ms. Finley.....	5693
		Ms. Keeper.....	5693
		Ms. Oda.....	5693
		Afghanistan	
		Mr. Norlock	5693
		Mr. MacKay.....	5693
		Canadian Forces	
		Ms. Black	5693

ORAL QUESTIONS

RCMP Commissioner			
Mr. Dion.....	5688		
Mr. Harper.....	5688		
Mr. Dion.....	5689		
Mr. Harper.....	5689		
Mr. Dion.....	5689		
Mr. Day.....	5689		
Ms. Robillard.....	5689		

Mr. O'Connor	5693
Ms. Black	5693
Mr. O'Connor	5693
Canadian Wheat Board	
Mr. Easter	5694
Mr. Strahl	5694
Mr. Easter	5694
Mr. Strahl	5694
Mr. Dion	5694
Mr. Harper	5694
Mr. Dion	5694
Mr. Harper	5694
Marriage	
Mr. Ménard (Hochelaga)	5694
Mr. Harper	5695
Mr. Ménard (Hochelaga)	5695
Mr. Toews	5695
Aboriginal Affairs	
Ms. Neville	5695
Mr. Prentice	5695
Mr. Fast	5695
Mr. Prentice	5695
Health	
Ms. Priddy	5695
Mr. Clement	5695
Ms. Priddy	5695
Mr. Clement	5696
Aboriginal Affairs	
Ms. Neville	5696
Mr. Prentice	5696
Goods and Services Tax	
Mr. Dykstra	5696
Mr. Flaherty	5696

GOVERNMENT ORDERS

Softwood Lumber Products Export Charge Act, 2006	
Bill C-24. Third reading	5696
Motion agreed to	5697

PRIVATE MEMBERS' BUSINESS

Canada Labour Code	
Bill C-295. On the Order: Private Members' Bills:	5697
The Speaker	5697
(Order discharged and bill withdrawn)	5697
Points of Order	
Oral Questions	
Mr. Holland	5698
Statements by Members	
Mr. Blackburn	5698
Mr. Gauthier	5698

ROUTINE PROCEEDINGS

Genome Canada	
Mr. Carrie	5698

Government Response to Petitions	
Mr. Lukiwski	5698
Gwich'in Comprehensive Land Claim Agreement	
Mr. Bruinooge	5698
Interparliamentary Delegations	
Mr. Shipley	5698
Mr. Wilfert	5699
Committees of the House	
Aboriginal Affairs and Northern Development	
Mr. Mayes	5699
Finance	
Mr. Pallister	5699
Agriculture and Agri-Food	
Mr. Ritz	5699
Petitions	
Volunteerism	
Mrs. Jennings	5699
Age of Consent	
Mr. Bezan	5699
Marriage	
Mr. Bezan	5699
Non-governmental Organizations	
Mr. Roy	5699
Afghanistan	
Mr. Atamanenko	5699
Taxation	
Mrs. Yelich	5699
Volunteerism	
Mr. St-Cyr	5700
Child Care	
Mr. Byrne (Humber—St. Barbe—Baie Verte)	5700
Marriage	
Mr. Albrecht	5700
Youth Volunteer Programs	
Ms. Wasylycia-Leis	5700
Financial Institutions	
Mr. André	5700
Literacy	
Ms. Karetak-Lindell	5700
Marriage	
Mr. Vellacott	5700
Supporting Communities Partnership Initiative	
Mr. Ouellet	5700
Canada Post Corporation	
Mr. Scott	5700
Health	
Mr. Scott	5701
Transport	
Mr. Warawa	5701
Agriculture	
Mr. Warawa	5701
Age of Consent	
Mr. Jaffer	5701
Youth Volunteer Programs	
Mr. Jaffer	5701

Questions Passed as Orders for Returns

Mr. Lukiwski..... 5701

Motions for Papers

Mr. Lukiwski..... 5701

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OFFICIAL REPORT
(HANSARD)

**Wednesday, December 6, 2006
(Part B)**

—

Speaker: The Honourable Peter Milliken

CONTENTS

(Table of Contents appears at back of this issue.)

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HOUSE OF COMMONS

Wednesday, December 6, 2006

[Continuation of proceedings from Part A]

GOVERNMENT ORDERS

[English]

• (1540)

MARRIAGE

Hon. Rob Nicholson (Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC) moved:

That this House call on the government to introduce legislation to restore the traditional definition of marriage without affecting civil unions and while respecting existing same-sex marriages.

He said: Mr. Speaker, it is an honour for me to begin the debate on today's motion. As the sponsor of the motion, I will like to take a few moments to explain to the House why the government is moving forward with today's motion and the government's position with respect to it.

[Translation]

Some members may ask why the House needs to be consulted on this issue. After all, less than two years ago, this issue was debated and voted on in this House, in the form of Bill C-38, the Civil Marriage Act.

[English]

At that time, a majority of the members decided to approve a law to define marriage for civil purposes as the lawful union of two persons to the exclusion of all others. That decision by the House had the effect of replacing the traditional definition of marriage as being the lawful union of one man and one woman to the exclusion of all others. In short, Parliament decided that the definition of marriage should include same sex couples.

The debate surrounding Bill C-38 generated a significant amount of controversy. It was a divisive debate both in the House and among Canadians as a whole. That debate continues on this issue within Canadian society.

Since marriage is an essential foundation of our society, it is important that a fully democratic decision be taken by the House of Commons whether the institution of marriage should be changed. Given the importance of marriage in our society and its importance to Canadians, we made a commitment in the last election to ask parliamentarians whether they wished to revisit this issue. Our commitment stated:

A Conservative government will hold a truly free vote on the definition of marriage in the next session of Parliament. If the resolution is passed, the government will introduce legislation to restore the traditional definition of marriage while respecting existing same-sex marriages.

By presenting today's motion for a debate and a vote in the House, the government is fulfilling the commitment we made to Canadians in the last election.

Let me turn to the meaning of today's motion and its implications.

The motion itself will not change the definition of marriage. Rather, the motion asks members whether they want to reopen the debate on the definition of marriage. If the House decides to adopt this motion, the government will introduce legislation to restore the traditional definition of marriage for civil purposes. In other words, the government will present to the House a bill defining marriage as the lawful union of one man and one woman to the exclusion of all others. It would then be up to the House to debate such a bill and to vote on whether the bill should be enacted in July.

Therefore, those who argue that the traditional definition of marriage is an essential social institution that ought to be restored and protected should vote in favour of this motion. Similarly, members who believe that there are other ways to recognize same sex unions without altering the principle tenets of one's beliefs should vote for the motion as well.

Speaking personally, I support the institution of marriage as it has been comprised for centuries in our society. It is one of the basic institutions of our society and is the foundation upon which we have built our culture. This is the position I took in the previous Parliament during the debate on Bill C-38 and it is the position I continue to hold.

While I support protecting the rights of minorities that does not mean we should alter the institution of marriage which has worked well and has been an essential part of our society for so many years. I will therefore be voting in favour of the motion as a means to restore the traditional definition of marriage.

Although we are debating a government motion, I point out that the government has indicated that members can vote according to their conscience. Given the deeply held views that members have on both sides of the debate, the government believes it should be up to the House to decide in a truly free vote on whether we should initiate legislation to restore the traditional definition of marriage.

Government Orders

The vote on today's motion will be a truly free vote for all members of the government's caucus, including ministers of the Crown. Unlike the previous government, our cabinet will not be whipped into voting one way or the other.

Speaking as the Minister for Democratic Reform, I am proud to be a member of a government that believes issues which touch on deeply felt personal beliefs should be decided by a truly free vote.

Given that members on both sides of the debate hold deeply felt personal views on this subject, we are asking members to reflect on their views and those of their constituents before deciding how to vote. This is ultimately a decision of the members of the House to decide on their own.

● (1545)

To conclude, the government looks forward to hearing the views of members on this issue and we hope that this will be a respectful debate. Although there are strongly held views on both sides of the debate, each member's point of view is valid and ought to be heard.

I therefore encourage all members to participate in the debate in this spirit. The government looks forward to receiving the House's decision on this matter.

● (1550)

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, I listened to the House leader speak on the motion. He made a lot about it being a free vote, even for his cabinet ministers.

I remember an important motion that was put in the House not very long ago, but there was no free vote for his cabinet. A cabinet minister had to resign because he would not support it. In my mind it is the responsibility of the government, if it does not agree with the laws of the nation, to bring forward differing laws and to put a bill before the House. Then cabinet solidarity is always asked for on those bills.

I believe it is disingenuous to say that there is a free vote when there is no bill. It is simply a motion before the House.

When the previous government brought it before the House, it did it in an honest and forthright way in the form of a bill and the parliamentary tradition of cabinet solidarity was kept at that time. I believe he is putting forward false premise to the public of Canada.

Hon. Rob Nicholson: Mr. Speaker, if the hon. member is miserable or upset about the way his government conducted the vote on this matter about a year and a half ago, I do not blame him. I suppose in his position he wants to change the channel any way he can.

When that matter came before Parliament, I was very disappointed, as I am sure many Canadians were, by the position taken by the former government. This is an issue that is deeply felt. It strikes to the very being of many Canadians and what they believe is important or the way society should be structured.

At that time, when it became apparent that the government would whip its cabinet ministers, and I believe its parliamentary secretaries as well, they all seemed to support it. However, when I saw that one of my colleagues in the Liberal cabinet had to resign, I felt very badly for him.

Again, on an issue like this, that touches people so deeply, they should have a free vote.

However, I am not discouraged. A couple of days ago, the new Leader of the Opposition said, among other things, that the same sex marriage vote was a matter of fundamental rights and, therefore, he would whip his caucus. I guess that is one of the great things about debate. It looks like we are starting to get a bit of a consensus because I now heard now that they would have a free vote. It seems to me that even the members of his own party are coming to the same conclusion and they are drawing closer to what the government has been saying all along.

I am proud to be a part of a party and a part of a cabinet that allows, on a subject like this, a true free vote.

Again, it was a shame that was not the case back in July 2005. However, there is no reason now why that member cannot get up and support this. When the vote comes tomorrow, at about 3:00, I hope he stands up for what I believe he believes.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I have a few questions for our colleague.

Does he agree that this is basically an issue of rights and that the Supreme Court has ruled that it is not acceptable for a Parliament to deny same-sex couples access to marriage?

What if one of his loved ones, his daughter, for example, came home one day and announced that she was homosexual? Would he not want his child to grow and develop in the most gay-tolerant society possible?

If we, as parliamentarians, are questioning decisions that strike a balance on what the Supreme Court has stated is a rights issue, then does he agree that his government is not up to the task of acting with the generosity and tolerance people have a right to expect from those who have the responsibility to govern?

Once again, I invite him to really think about this. If one of his loved ones, his son or daughter, his nephew or niece, came to see him one day and he found out that person was homosexual, would he not be glad to be living in a more tolerant society? Does he not agree that parliamentarians are responsible for leading the way on this issue?

● (1555)

[*English*]

Hon. Rob Nicholson: Mr. Speaker, the hon. member covered a lot of ground in there and I am pleased to address one of the central points that he is making and one of the central misconceptions about this whole process with which we are dealing.

He indicated that the Supreme Court of Canada ruled on this and that it was conclusive on this issue. That is absolutely wrong. The Supreme Court of Canada specifically did not make a ruling on this issue. There were lower court rulings with respect to this, but it was not the Supreme Court of Canada.

Government Orders

I challenge members and the hon. member is not the only one apparently under this misperception. I was watching television early this morning and one of the commentators said that this has been ruled conclusively on by the Supreme Court of Canada. That is absolutely incorrect.

I will give those members a task that I know would be impossible to complete. They cannot table the decision of the Supreme Court of Canada that is definitive on this issue. They cannot do this because it does not exist.

I made this point one other time and it was said that there was a decision in one of the provincial courts or a number of provincial courts. I understand that. There have been court decisions on this, but the Supreme Court of Canada is the final court of appeal in this country and there is in fact no definitive decision.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I want to ask the minister if he could tell me what is the crisis in marriage that the government is responding to? Have we seen any reason to reopen this debate at this point? Is there a decline in marriages? Are people abandoning the institution of marriage because of Bill C-38? Is there any documentation to show that there is any kind of a crisis in marriage?

Have any religious institutions, priests, rabbis or ministers been forced to marry a gay or lesbian couple when that was against their religious belief, their theology or their religious practice? What is the absolute crisis that necessitates us spending this debate time today and dealing with the possibility of reopening a long debate, when we have just completed that in the last Parliament with great diligence and great care?

Hon. Rob Nicholson: Mr. Speaker, the hon. member raises an interesting point. If the hon. member recalls, I raised this point exactly about a year and a half ago. I said what was the rush to change the traditional definition of marriage by the members of his party and the previous government. What was the crisis?

The hon. member on another occasion will tell us how much he is against closure and so on, but his party joined with the government at that time to force this measure through by time allocation. I mentioned the fact that this was passed in July, however, we do not sit in July, but because of this so-called emergency to change the definition of marriage, that has been around for about 2,000 years at least, his party and the government wanted Parliament to sit through to the beginning of the summer break.

I throw that back to him. Why would they agree to closure? What was the crisis that we had to change it? It certainly was not, as I pointed out, the Supreme Court of Canada.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I thank the hon. House leader for his input. Throughout the discussion we have had outside of this place and here in the House, there seems to be an oversimplification of the motion before the House. The member twice said that the motion would open the debate on this issue, when in fact the motion says:

That this House call on the government to introduce legislation to restore the traditional definition of marriage without affecting civil unions and while respecting existing same-sex marriages.

I think there has been confusion in this debate, but this is not the end of it. This is the government. It has the authority to table

legislation in the House. I would ask the House leader this question. If this motion is defeated, would the government undertake to introduce legislation in this House to reinstate the traditional definition of marriage? It has the authority and the ability to do it. Will the government introduce a bill?

• (1600)

Hon. Rob Nicholson: Mr. Speaker, that is exactly what this motion is talking about. We are calling on the government to introduce legislation to restore the traditional definition of marriage. That is why we are asking for the support of the House. We are asking for the support of the hon. member to do that.

This is one of the points I wanted to make before I ran out of time on the last question. This is completely consistent with what we told the Canadian people that we would do. In fact, the Prime Minister, then leader of the opposition, made it clear on the very first day of the debate that he would bring in such a motion.

Again, I am proud to be part of a government that is prepared to do as it said it would do during the election. We are fulfilling that promise and we are giving this opportunity. I say to the hon. member, if he believes—

The Deputy Speaker: Order. I am sorry but the time for questions and comments has expired.

The hon. member for Toronto Centre.

Hon. Bill Graham (Toronto Centre, Lib.): Mr. Speaker, like the hon. House leader, I had the opportunity and privilege of participating in the debate on the question of the adoption of the law permitting marriage of same sex couples last year.

I say the privilege because I was proud to participate in that debate. It was a serious debate, as the hon. House leader has suggested. While it was an emotional debate, members treated one another with respect, even those who disagreed with one another profoundly on religious grounds or in other ways. In many ways, the debate in the House last time was Parliament at its best.

[Translation]

I will always remember, for example, how the hon. member for Laurier—Sainte-Marie put it, as repeated today by the hon. member for Hochelaga: “—the religion of some should not become the law for others”.

[English]

However, as I listened to the House leader today, I respectfully suggest to the House leader that this motion is different. This is an underhanded political manoeuvre. Is the House leader proud of the headline of the *Globe and Mail* editorial this morning? “[Prime Minister]’s shoddy motion” is what the *Globe and Mail* editorial called what we are being asked to debate today in this House.

The government does not even want a real debate. It is not giving enough time. It has introduced the idea of civil unions, which as it knows is exclusively a provincial matter. It is a smokescreen. It says it is not trying to re-establish the very inequality that was struck down by our courts.

Government Orders

As the member for Wascana has pointed out, this is purely a procedural motion. It is a debate about whether ultimately we should have a debate. If the government wanted to take this matter seriously, it would have introduced legislation, but it knows the composition of this House and it knows such legislation would never be passed by this House.

Instead, it resorted to a manoeuvre that takes us nowhere. It is not designed to take us anywhere. It is designed to divide the House, to divide the members of the House, and divide the Canadian population on an issue that has been settled. It is designed to divide our nation on an issue that a majority of Canadians wish to move on from.

Everyone in the House knows that the courts have upheld this across the country, including the Supreme Court of Canada, eight provinces and territories. I will not name them, but I respectfully disagree with the hon. House leader. It is not true that the Supreme Court of Canada did not rule on this matter. The Supreme Court of Canada specifically said in its judgment that it would not, in any way, pronounce on the matter in a way that would overrule the findings of the lower courts, and those findings were conclusively in favour of overturning the prohibition against same sex marriage, as everybody knows.

I praise the government for saying it will not use the notwithstanding clause. I say to the hon. House leader that I hope that is an undertaking that the government is making, whether it is in opposition or in the future at any time, that it would never introduce such a bill by using this notwithstanding clause. However, without the notwithstanding clause, as everyone has pointed out, this same sex debate we are having today is, in the words of the columnists and the editorial writers such as Jeffrey Simpson of *The Globe and Mail*, “a meaningless charade”.

However, that said, let us take up the challenge. Let us remind ourselves of why we voted as we did the last time. Let us remind ourselves of our charter. Let us remind ourselves of the debates that we had in this House when we first introduced changes to the Criminal Code to protect gay and lesbian couples from being attacked on our streets, when we introduced the human rights code changes which ensured there would not be discrimination, and when we went on to ensure that people could get their pension rights and be treated equally if they had the same status as heterosexual couples that had civil unions.

What we saw throughout the country and through this House was a movement. We saw an evolving sense of our human rights and it came from our constituents as well, not just gay and lesbian constituents but from straight constituents, from all races and all religions. They came to us and came to a conclusion that society was enriched ultimately by treating all citizens equally.

I remember years ago learning that a certain newspaper in Toronto, which I would not describe as a left-wing newspaper, had a policy that it would pay equal amounts to people who had same sex unions because it wanted to attract the best possible employees.

This is not just about equality. This is about creating a society which will be a richer society when everybody can participate in it and feel equal in it.

● (1605)

[*Translation*]

Yesterday, the Prime Minister avoided answering the question of the hon. member for Newmarket—Aurora, who wanted to know whether he thought that our society or the institution of marriage had suffered from the legislation permitting same sex marriage. It is the same question just asked by our colleague in the NDP.

I would like to suggest that the Prime Minister and his hon. members, who do not seem to understand the realities of the modern world in which we live, should go and take part in the gay pride parade in my city of Toronto, or elsewhere in the country.

To their great surprise, they would find grandmothers and children of all ethnic groups and representatives of multicultural organizations from all over participating enthusiastically. Why do they do this? They are taking part in something that celebrates our humanity, tolerance, respect for other people and ability to understand one another.

Some members of this House think that same sex marriage spells the end of society as we know it, that it shakes society to its core. I say to these hon. members that they should ask the Canadians who take their children to gay pride parades and deliberately put them in contact with this modern reality what they think of this celebration of our common humanity.

I have been a parliamentarian for many years and have followed all the debates about recognizing the rights of gays and lesbians, including amendments to the Criminal Code, to the Canadian Human Rights Act, and to Bill C-23, which gave equal rights to common-law spouses and entitled them to pensions. Some participants in these debates painted the most apocalyptic scenarios for our society, our children and the institution of marriage.

Far removed from all dogma, I believe personally that we should follow this debate with humanity and compassion, animated by a spirit of openness, inclusion and respect and with tremendous confidence in humanity's ability to make changes to society out of deep respect for our differences. We should ponder the lessons of history. The same fears, the same dire scenarios were conjured up when interracial marriages were allowed in the United States or the Divorce Act was passed in Canada not so very long ago. We all remember that.

Our country's history clearly shows that in the face of profound sociological change, Parliament has often crystallized the irreversible changes already seen in society, but has never jumped the gun. Parliament has always been able to adapt to deep-seated new movements in our society.

Government Orders

I will therefore in all humility as a parliamentarian and legislator be guided by the wisdom, tolerance and confidence expressed by our forefathers and foremothers who said yes to social progress and no to all the apocalyptic scenarios conjured up. I can only humble encourage all my parliamentary colleagues to do the same and recognize not only this reality but also the fact that Canadians accept it.

•(1610)

[*English*]

Times have changed and we must move on. The House has moved on and the country has moved on. Under the present law, religious institutions are protected while all others are included.

We join countries like the Netherlands, Spain, South Africa and others. Let us think of South Africa and imagine the example this would send to a country like South Africa if we were to reverse ourselves on the fundamental principle of human rights. Why would this country, a beacon to others around the world on human rights, reverse itself and go backward in time? What kind of an example would that be to South Africa and dozens of other countries that are looking to us as an example?

Let us solemnly undertake in the House today that we have debated this issue and that we will move on. I respectfully ask the Prime Minister, his party and his colleagues in his caucus to promise this House and this country that this will be the last time, that this is not just a strategy for another election issue, that they will not inflict this agony on gay and lesbian Canadians, and that they will tell them that this will end and that our social cohesion will no longer be roiled by threats to the *droits acquis* once and for all.

A week ago Monday, this House voted on a motion about our country and we all spoke movingly about our country. We voted in that debate and at the end of that debate we voted to be inclusive.

[*Translation*]

I remember the hon. member for Westmount—Ville-Marie speaking with great emotion about how her identities as a Quebecker and a Canadian fit perfectly together.

[*English*]

Many others have spoken in the same vein saying that their identity as Quebeckers and their identity as Canadians are perfectly in harmony. We should ask ourselves whether after tomorrow's vote the gay and lesbian communities will be able to say the same? Will they say that their personal identity and their national identity are compatible and even complementary? Will they be proud to be both and proud to play a role in our society? If they feel anything less than that and less than their fellow citizens, I believe we will have failed our constituents, our country and future generations of Canadians who are asking us to continue to create this country as a place where we live with one another in respect and tolerance and show a light to the rest of the world which will enable them and us to move on to other issues of importance and move away from the traditional, I say hatreds, the traditional fears of the past. Let us move on from the past and let us move to the future in a way that is Canadian and in a way that is respectful to our charter and of our fellow citizens.

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal

Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, does the member opposite feel that a small first nations community in Canada would be able to define marriage according to its culture under the existing law?

Hon. Bill Graham: Mr. Speaker, I am afraid the hon. member is asking me a question on which I am not sufficiently learned in the law to be able to give him an answer.

However, I have met with members of the first nations communities, certainly in my own riding and in others, that have told me that they totally support this change and that some members of the first nations communities wish to move on as well.

My first reaction to the hon. member's question on the issue of marriage on reserve, with off reserve, obviously, being another subject, is that it be governed by the federal law of the land because it is federal law that governs reserves and, under the Constitution, it is clearly a federal matter. I assume that what we do in this House will govern what takes place on reserves. If the hon. member consults with members of first nations he will find that they too are searching for a way that we can move into the future.

In fact, if I can help the hon. member with this answer, I met with some members of the first nations of Ontario who told me that they are seeking to develop laws for relationships on their reserves and are including a change to their own proposal that will specifically recognize same sex relationships. The first nations communities are moving on with this and I would suggest that we follow their example and move on with it in this House.

•(1615)

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, I did not have the honour of serving in the House on the day a basic human right was guaranteed to a group in our society. We often hear that what is happening now is somehow a threat to marriage. I have gay and lesbian friends who are married and I do not see any threat. I have friends who are not married and who are heterosexual. My church is very traditional and nobody has threatened me.

Would the hon. member agree that maybe there are other factors threatening marriage in our society, such as poverty; a lack of good, adequate, publicly funded child care; a lack of educational opportunities; drugs and alcohol; and a lack of good paying jobs which tend to distort and destroy families in our society?

Hon. Bill Graham: Mr. Speaker, the hon. member's question is a very serious one and it is one that all of us have looked at.

The hon. member mentioned his church. In my last speech in the House I mentioned that I am a member of the Anglican Church. My church has a very active debate going on about whether or not, from a religious perspective, my church would participate in such marriages. I know that other churches, like the United Church, have said that they will perform such marriages. We know that within religious groups in our country there are differing views.

Government Orders

However, I would respectfully suggest to the hon. member, as was suggested in the question by his colleague, that predictions that this would be a threat to traditional marriage have not turned out to be right. The divorce rates in this country among heterosexual couples are not related to the fact that we have allowed gay and lesbian marriages. Anyone who would pretend otherwise would be absolutely crazy, any more than it can be claimed that the alarming divorce rates, some would say, are a direct result of the fact that we have recognized common-law relationships over the years.

The same people came to committee and said that this would do to traditional marriage what common-law relationships would do and I suggest one cannot draw that link. It is just not there.

Mr. Tom Lukiwski (Parliamentary Secretary to the Leader of the Government in the House of Commons and Minister for Democratic Reform, CPC): Mr. Speaker, I have a point of clarification for my hon. colleague. I believe he is either confused or misspoke in some of his earlier comments.

During his presentation he made reference to the fact that the government should be allowing more time for debate on this issue. I would point out to my hon. colleague, as he should well know, that there was a House order, agreed upon by all parties, to have this debate concluded tonight at midnight. I am wondering how the hon. member can suggest that we are not allowing enough time for debate on this issue when he and his party, as well as all other parties in this place, agreed on the format and time limits for debate.

I know there are many Canadians watching this, as well as many members of the media. I do not want them to be confused on the timing of this debate and the length of time that we are dealing with this issue. Perhaps my hon. colleague could confirm that his party, along with all others, agreed to the House order that had this debate concluding at midnight tonight.

Hon. Bill Graham: Mr. Speaker, as I pointed out in my opening remarks, the problem with this debate is the nature of the motion. It is a motion to have a debate about a debate. Of course everybody agreed that we could not take up an enormous amount of House time around that issue.

My original point stands. If the government had been serious about this, had really wanted to get rid of it completely and had brought in a clear law that would change the definition now established by our courts and our law, it would have given an opportunity to the House to have a debate and to actually turn it down. However, the government did not want to take that risky course. It tried to use this subterfuge instead, which is why we are in this rather unusual grey zone.

All I am saying to the government spokesperson is that we agree here in the House that this is it. When we have the vote tomorrow, we will live with the consequences of it and it does not come back at us. That is the point we must all understand.

• (1620)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the Ontario Court of Appeal in the original case ruled that the traditional definition of marriage, which excluded gay and lesbian persons, was contrary to the equality provisions of the charter. The Supreme Court of Canada, in its decision on the reference, said that it would not overturn that decision. That would seem to me to be an impasse with

regard to coming forward with legislation that would change the definition.

I would ask the hon. member if he is aware of any legal constitutional opinions with regard to whether Parliament could introduce legislation which would summarily change the definition back without facing a constitutional challenge.

Hon. Bill Graham: Mr. Speaker, that was the point of my answer to the hon. House leader when he made the point that the Supreme Court of Canada had not ruled.

What the Supreme Court of Canada said in its advisory opinion was that this matter had been ruled on by eight provincial Courts of Appeal and that they had no intention in any way of suggesting that their judgment would interrupt the rights that had been conferred on Canadians by those judgments, thereby clearly saying that they agreed with those judgments.

I, therefore, totally disagree with the interpretation that was made by the hon. House leader, which takes us to the nub of the question asked by the hon. member. One hundred and fifty-five jurists have told us that no government could introduce any bill purporting what the government is talking about in this motion without accompanying it with the notwithstanding clause because the Supreme Court was clear in its ruling. Eight provincial Courts of Appeal and territorial judgments have been clear that we cannot possibly overrule the rights that have been conferred upon Canadians and are expressly now interpreted as being in the charter without employing the notwithstanding clause.

My understanding is that the government has rightly said that it will not apply the notwithstanding clause. I applaud it for that and I would assume it will stick to that. When it does, it must recognize that this motion is something that we are debating in a purely theoretical sense because it could not possibly come to fruition without such a draconian measure. In no way would it be justified to take away the rights of Canadians and use the notwithstanding clause in our charter. It was not designed for that purpose. It was not in any way designed to be used in such a matter as this.

I totally agree with the thrust of the hon. member's question.

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I am pleased to take part in the debate on the motion, although it is not really a pleasure.

It is quite unbelievable that we have been discussing these questions certainly since 1994 and even after a decision by the Supreme Court, after a vote in this House and after eight courts at various levels of jurisdiction, including of course the Supreme Court, have rendered their verdicts. It must be remembered that three appeal courts—British Columbia, Quebec and Ontario—and four other different courts in Canada have affirmed that the denial to gays and lesbians of free access to the institution of marriage constitutes a violation of the Canadian Charter of Rights and Freedoms; that it is incompatible with section 15, which provides for equal treatment for all.

Government Orders

It is not surprising that the Conservative government has chosen to reopen this debate. There is no doubt that Conservative members, as individuals, are respectable people and that they can even be quite endearing. Nevertheless, we know that, collectively, they are people who throughout their history, as long as they have been in this House, have practised an institutional policy of homophobia.

Homophobia does not consist solely in gay bashing or threatening gays. Homophobia is also the systematic and organized denial of rights to homosexuals. The Conservatives have always taken a hostile approach to gays and lesbians. I believe our fellow citizens should know that.

I do not say that someone is a homophobe if he or she is not in favour of access to marriage. I know people who are rather ill at ease with that.

Mr. James Moore: Bloc members, bloc members.

Mr. Réal Ménard: And I do not say that it is a matter of homophobia not to support that kind of marriage. However, the system has been tested nine times.

I am curious to see whether the Parliamentary Secretary to the Minister of Public Works will have the courage that he had when he was on the other side of the House. I think that he will because he is a courageous man, but I am curious to see which way he will vote tonight.

Allow me to recall all the votes that the Conservatives and the Canadian Alliance have recorded; all the votes that they cast to collectively deny rights in matters of labour relations, hate crimes, collective agreements or on the subject of surrogate mothers in connection with new reproductive technologies or again in terms of the Criminal Code. In a systematic manner, the Conservatives have told our fellow Canadians that they do not recognize persons of homosexual orientation as citizens. It is unbelievable. It is unbelievable that a political party could act in such a way in a democracy such as Canada.

In 1995, I tabled a motion calling on the government to take the necessary measures to legally recognize same sex spouses. All the Conservatives—who at that time were members of the Progressive Conservative party—voted against that motion.

On June 8, 1999, an hon. member, Eric Lowther, tabled a motion proposing:

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.

That was a second denial of the rights of gays and lesbians: 53 Reform members voted against the motion, as did 13 Conservative party members. At that time, they were two separate parties.

Third, in 2003, a motion by the current Prime Minister reiterated the debate in the same terms. It was the third denial of the right of gays and lesbians to civil institutions. That is clear.

• (1625)

Fourth, in 1995, Allan Rock tabled Bill C-41 to reform sentencing, specifically, section 718, which recognizes certain

aggravating circumstances when crimes are committed. The gay community mobilized in favour of anti-hate, anti-racist legislation. The government wanted to include beating someone up because of their sexual orientation as an aggravating circumstance in the Criminal Code. They voted against it. Can you imagine that? We were in a situation where people were being beaten up. In Ottawa, some people had been thrown off a bridge. Nevertheless the Conservatives voted against the addition to the Criminal Code of provisions respecting hate crimes, and they voted unanimously.

In 1996, further to a court decision, moreover, Bill C-33, amending the Canadian Human Rights Act, proposed the addition of sexual orientation as a prohibited ground of discrimination. The Conservatives did not want sexual orientation to be recognized as a prohibited ground of discrimination. We were a long way from the question of marriage.

I repeat, every time they have had the opportunity, the Conservatives, almost unanimously, have behaved like institutional homophobes. This alone makes them quite unfit and unworthy of forming a respectable government respected by our fellow citizens.

The conservatives voted against the addition in collective agreements of rights for gays and lesbians. In 68 laws, they voted against the recognition of common-law spouses and therefore homosexual common-law spouses. They voted against the bill by our former colleague for Burnaby—Douglas, a riding now brilliantly represented by his NDP successor. They voted against the provisions concerning hate propaganda. Of course they voted against Bill C-38 almost unanimously.

So what message is it sending? What message does it send when a government says that, whatever the circumstances, whether we are talking about education, the Criminal Code, labour relations, emotional relations or hate propaganda, it will never respect the rights of one category of citizens? What they said is that the simple fact of feeling sexual desire that is different from that of the majority makes us less entitled. That is what the Conservatives have said throughout their history. That is what is quite incredible.

Imagine what that means for someone who is 14, 15 or 16 years old and discovers that he or she is homosexual. No later than last year, we were reminded that 30% of young people who are homosexual still put an end to their lives. They commit suicide. Is it not our responsibility as parliamentarians to do something about that? This is not about promoting conversion therapies. This is not about telling heterosexuals that they should undertake to become homosexuals. That is not what we are talking about. We are speaking to our homosexual citizens.

We can argue about whether it is hereditary or whether it is acquired behaviour. There is literature on this. Opinions may vary. One thing is sure, though, and that is that I will never have any respect for people who rise in the House and say that just because a man is gay or a woman is a lesbian, they do not have the same rights. That is the essence of the debate. When we are seated in Parliament, the only value that should motivate us is the right to equality.

Government Orders

There is no state religion in Canada, regardless of what people might say or think. It is not because people belong to a certain religion that they can deny the rights of other citizens. That was the judgment handed down by the Supreme Court.

• (1630)

The previous government made use of its prerogative under section 53 of the Supreme Court Act to ask the court to provide answers to certain questions.

The first question was whether marriage and particularly civil marriage as defined in clause 1 of Bill C-38 was a federal jurisdiction. The Supreme Court said yes. I respectfully admit to my hon. colleagues, of course, that a person does not need a doctorate in law to know that.

The next question was whether freedom of religion could give various religious denominations a right not to perform a religious marriage. The Supreme Court explained, with the supporting jurisprudence, that neither Bill C-38 nor the existing Charter of Rights and Freedoms obliged anyone, any member of the clergy, to perform a religious marriage, regardless of their religious denomination.

I would not want to live in a society where, because of my religious convictions, I was obliged to do things that are contrary to the tenets of my own faith. It is entirely reasonable, desirable and fortunate that the Supreme Court answered that the Charter or Bill C-38 would never oblige members of the clergy to perform marriages against their will. The Supreme Court said this, and obviously that had been confirmed by a number of expert witnesses.

We must remember that in 2002, the Standing Committee on Justice held hearings across Canada. We heard 467 witnesses. Obviously there were witnesses who had some expertise. It was explained to us, over and over again, that despite what was being said by the official opposition of that time and also by certain ministers, freedom of religion would never require that there be an obligation to perform marriages.

The Progressive Conservative Party has a record of bad faith. There is a desire to deny rights, and to sow the seeds of dissension and division. That is the purpose of the motion. Let us look at the dishonesty of the motion.

That this House call on the government to introduce legislation—

They have not yet introduced their legislation. They are asking for permission to introduce it.

—to restore the traditional definition of marriage without affecting civil unions—

Let us talk about civil unions. Eight provinces, including Quebec, have enacted various legislation that has recognized various types of unions between persons of the same sex. This may take the form of civil unions or registered partnerships, but all of the existing legislation has two characteristics. It is never a religious marriage. It is therefore not marriage. People sometimes told us that civil union is marriage. Civil union is close to marriage, in terms of the rights protected. Most of the provinces have granted the same rights in respect of inheritance, access to health care and pension rights. Granted, the provinces that have legislated in relation to this have given the same rights to common law spouses, whether they are heterosexual or homosexual.

But can we understand why people want to get married? This is where what the Conservatives are saying is totally incoherent. If the institution of marriage is an institution that should be celebrated for heterosexuals, surely it should be celebrated for homosexuals. It is not true that the sole purpose of marriage is procreation. Otherwise, just like that, we would be saying that all of our fellow citizens who do not have children will be excluded and disqualified. There are people who want to get married, people who have been married for years and other people who will get married in the future, who will not have children. That is entirely their right. It takes nothing away from the legitimacy of their union.

• (1635)

I would say that parenting skills have nothing to do with sexual desire. That has been documented for a number of years. How can we think that the way that an individual decides to express himself or herself sexually could qualify him or her to be a good or bad parent? If that is the case, there would never be any homosexuals in our society. In my case, my parents were heterosexuals. I was reared in a heterosexual family and I have a very heterosexual twin brother, not polygamous, but very heterosexual.

Surely you will understand that homosexuality is not something that is transmitted within a family. One thing is certain, however, and I will say this again, I firmly believe that when we are sitting in Parliament, we may not get up and tell people that they have fewer rights because they are different sexually. That is what the Conservatives want to do. The reference in the motion to civil unions is not appropriate, because the federal government has no responsibility for that. It is under the jurisdiction of the provincial governments and there are eight provinces that have legislated in that regard.

Let us look at what it says a little further on in the motion. In order to get the support of other parties, it says that not only should the government introduce legislation to restore the traditional definition of marriage without affecting civil unions, which do not have anything to do with marriage and do not concern the federal government, it adds: “while respecting existing ... marriages”. Forgive me for saying it, but it would be pretty unbelievable if anyone thought we had the power as legislators to say that.

Do you know how many people got married in Canada? In November, there were precisely 12,438 people who got married. Obviously we cannot tell them to end their union. The first principle is that a law is never retroactive. We cannot say that to the 12,438 people who got married. There are some in all the provinces, even in very conservative Alberta where 409 people got married. I do not think that there were many Conservatives invited to the weddings of those 409 people. So there are some in every province, and it is pretty dishonest and pretty misleading to include in a motion that someone even thinks that they are not going to undo the unions of people who are married.

I repeat, I think that it is not to the government's credit to reopen the file on same sex marriage. In my opinion, once and for all, we must say that as parliamentarians we believe in the most complete equality among people.

Government Orders

Every time there is talk of making some social advances, I am sure that our elders will recall how some people behaved when the question of legalizing divorce came up. It used to be that getting divorced involved private legislative initiatives and was more a matter of Senate responsibility.

I am convinced that people will remember how the most conservative minds reacted when the subject of establishing a lottery system arose. I am convinced that people will remember how the most conservative elements in our society behaved when there was talk of the equality of women. Seventy-five years ago, women were not even recognized as legal persons. Women had no standing in court and could not run for office.

Yet, all these changes were made in the name of the ideals of tolerance, equality and generosity and we are all the better for them. In my opinion, the best thing that can happen in life is to fall in love because it is when we love that we desire to do things for our community. To deny individuals the right to be in love is quite shameful and I hope our citizens will remember that.

● (1640)

[English]

Mr. Alan Tonks (York South—Weston, Lib.): Mr. Speaker, I appreciate and respect very much the comments made by the member. However, I am sure I echo the sentiments of many when I say I wish the characterization of those who see problems with respect to same sex marriages is not that of being homophobic.

One area I think the member could make a clarification is with respect to the right of churches to make the decision to perform or not perform marriages of members of the same sex. If a civic action or a statutory initiative by a provinces or the House were presented, what would the member's personal position be with respect to churches being protected in taking the decision not to perform marriages between those of the same sex?

[Translation]

Mr. Réal Ménard: Mr. Speaker, once again the fact that someone is opposed to the right to marry of gays and lesbians is not a sign of homophobia. However, when a government or an official opposition votes nine times against the rights of a sexual minority, then I think there are grounds for speaking of homophobia.

I have made a list of the nine times when the Conservatives, and before them the Alliance members, voted against the rights of gays and lesbians. If at some point the Bloc Québécois decided to vote nine times against the rights of native peoples, I believe that it would be said that the Bloc Québécois is against native peoples. If at some point we were to vote nine times against women's rights, I think it would be said that the Bloc Québécois was against women's rights.

Having said that, I repeat that the Supreme Court was clear on the fact that churches and religious denominations are not required to officiate or to celebrate marriages if this runs counter to their dogma or the teachings of their church. That was included in Bill C-38. The freedom of religion provision in the Charter does not require it.

The Supreme Court was clear. Bill C-38 is clear. In any event, what we are discussing today and what we discussed in 2002, 2003, 2004 and 2005 is civil marriage celebrated in courthouses before

notaries, prothonotaries or laypersons hired by the government. That is what we are talking about.

Yes, I respect the right of a person committed to a specific religion not to celebrate religious marriages.

● (1645)

[English]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, the member for Hochelaga is always very articulate, strong and clear in his expressions in the House, particularly on this issue. He has been a leader in the House, in Quebec and in Canada on the issues of gay and lesbian rights. I like to think of him as one of the heroes of the transformation in the situation of gay, lesbian, bisexual and transgendered people in Canada both in this place and in the community.

I know he has been part of the debates. He went through the long history in a very careful way. I think he made a very strong case for the actions of the current government in the past being very much in opposition to the full participation of gay and lesbian people in our society. The record is pathetic, to put it mildly. I know he was part of many of those discussions.

One of the arguments being made now is that somehow in the last Parliament the effort spent on dealing with Bill C-38 was somehow deficient, that we did not give it due diligence. I know in his remarks he touched on the time and effort that went into Bill C-38. He was a part of cross-country hearings that heard from 467 witnesses. However, could he expand on the criticism that due diligence was not done when this issue was before the last Parliament?

[Translation]

Mr. Réal Ménard: Mr. Speaker, we have been talking about this since 2002.

Former minister Martin Cauchon published a book that offered a number of options. As soon as this former minister submitted this book, there were consultations in parliamentary committee. There were some in Ottawa and in major cities: 467 witnesses came to talk about this.

This debate has monopolized a lot of energy and taken a lot of time. It is important for us to spend time and energy on this because the concept of marriage reflects religious conviction, ethical conviction, personal conviction and public conviction. It is important to take our time in addressing these factors.

However, if the matter has been closed by the Supreme Court, eight courts, parliamentarians and a debate that has been going on since 2002, it is safe to close the debate once and for all in the name of equality. The ideal of equality should be our primary motivator when we are standing in any parliament.

Government Orders

I do not understand the government's stubborn determination to cause division. In fact, I do understand it. The Conservatives are doing this for their electoral base, for ideological reasons, but fortunately, our constituents, our fellow citizens, will not go down this path with them. Their past behaviour is a discredit to them if they are thinking of forming a majority government one day.

• (1650)

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, I want to thank the member for his remarks. He mentioned the fact that people sometimes marry for reasons other than just procreation. He gave several examples.

I am thinking of older people, who often no longer have the ability to procreate but who marry for love and for companionship. We consider those marriages equal to any other.

I would like to ask the member a question. He knows the law, he studies it and he continues to learn more about the law. The government has a responsibility, if it sees that the laws of the country need changing, to present bills to Parliament. We debate those bills, as we did in the case of civil marriage. We hear from witnesses in committee, we come to a decision and, finally, we enact the law.

I find it hard to understand why a government would propose a motion setting out what we would possibly find in a bill that it might table, if that were the wish of the House, unless it was because it knows that it can not introduce that bill without using the notwithstanding clause, or that it has no intention of introducing that bill or that it is trying to create division in the House of Commons and in the public.

Mr. Réal Ménard: Mr. Speaker, the hon. member is correct.

The government's motives are motives of division and dissent. Legally, it is clearly to respond to an electoral base. It is clear that there is an element of public opinion that is not in favour of giving gays and lesbians the right to marry. Nevertheless, we do not expect that a government will feed such prejudices. The first duty of a government is to uphold the dignity and equality of its citizens.

I agree with our colleague. This government is cruelly shirking its responsibilities, especially since it is the duty of a government to ensure that any legislative measure introduced is compatible with the Charter.

We know very well that if, some day there was a bill calling for the exclusion of gays and lesbians from access to civil marriage, the person introducing the bill would have to invoke the notwithstanding clause. When that clause is invoked, it is used to suspend rights and it is certainly not to the government's credit.

Mr. Alex Atamanenko (British Columbia Southern Interior, NDP): Mr. Speaker, I thank my colleague for his speech.

The church and religion have been mentioned a number of times during the debate. I would like to know what my colleague thinks.

Does he think that perhaps the fundamentalist Christian church, an extreme right-wing religion, is influencing the government's policy, as in the United States, where the church affected the results of the presidential election? Is the Christian fundamentalist church really trying to direct this government's policy from behind the scenes?

Mr. Réal Ménard: Mr. Speaker, religious belief is a wonderful thing. It is the conviction that there is life after death. I think that in the Catholic faith, in the Christian faith, there is an ideal of charity that is certainly hidden behind a more official stance.

When we held hearings in 2002, and more recently on Bill C-38, the Canadian Conference of Catholic Bishops came out against same-sex marriage. It did so very respectfully, explaining that, because Catholicism is a revealed religion that has holy scriptures, it had to interpret those scriptures fairly literally, and it did not recognize same-sex marriage. I repeat, that is not our concern. As parliamentarians, we respect freedom of religion.

But Canada has no state religion. The world view offered by the Catholic faith or any other form of religion can certainly influence individuals' personal convictions, but it can never serve as a basis for public policy.

[*English*]

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, the Conservative government has put the following motion before the House:

That this House call on the government to introduce legislation to restore the traditional definition of marriage without affecting civil unions and while respecting existing same-sex marriages.

I am honoured to speak for the New Democratic Party in this debate. On a Saturday afternoon in September of this year, Chelsea United Church, just across the Ottawa River and up the road from Parliament Hill, was full. It was standing room only. Many people from this corner of the House from the NDP caucus were present. That afternoon we witnessed Scott Daly say to Éric Hébert:

Éric,

You and I have travelled to so many places, seen so many things, experienced so many milestones together that is difficult to describe exactly what our journey together has come to mean to me. In all of our successes and failures, gains and losses, adventures and mishaps, all I know for certain is that wherever you are I belong beside you.

When I left Kamloops so many years ago I was alone in every sense of the word. You not only helped me find a place in which to be myself, you also expanded my horizon to include a different language, and different perspective, and a new family in which to find acceptance.

I promise you, in front of family, friends and God that I will rejoice with you in your successes, mourn with you in your failures, and persevere with you in your struggles. For your journey is my journey. I promise you that I will share my own dreams, my own fears and my own challenges with you. For my travels are your travels. You and I, we share this odyssey together.

I promise to respect who you are and to honour what you stand for, to be your strongest ally and your fairest critic, to embrace your foibles as well as your strengths, to remember each and every day that what we share is something very unique and special.

I cannot promise to love you more than I already do. I can only say this: if I am a good teacher, if I am a talented writer, if I have found any success in this life we share, it is because you have helped me find the best part of who I am.

I have always loved you. And I always will.

Éric then spoke to Scott in front of all those who had gathered:

Scott,

When I think of our 17 years together and the promises that we made to each other, I know that we have, indeed, lived our love.

Government Orders

I know that God has blessed me with your presence. Our lives together have meaning and our hopes for the future are always brighter when we journey side by side.

What can I promise you now that you don't already know? What can I offer you now that isn't already yours?

Scott, I will do all I can to inspire you, the way you inspire me. I will surprise you from time to time, the way you do for me. I will comfort you when you need it most, as you always have with me. I will be joyful, the way you are, even when the circumstances make it difficult for us both. I will strive to see the world through your eyes, to laugh with your light heartedness, to savour your love and offer you mine every day. Since you bring out the best in me, I will continue to be a better person for you.

And while I may never be a perfect partner, I will always be happiest when I'm travelling with you on the road trip of our lives. The beauty of this road trip is that it doesn't have an end or a destination—it's just an incredible journey with each passing mile more beautiful than the last—and an unending fuel supply!

I stand before you, committed as ever, before God, our community, our family and friends, to tell you that I love you and promise to continue living that love in every way, every day, for as long as we walk this earth together.

In exactly the same way, on August 25, 2006, Laura Chapman and Anne Drummond and their family, friends and colleagues gathered in the rose garden at the arboretum at Queen Elizabeth Park on Little Mountain in Vancouver. At that time Anne said to Laura:

I take you, sweet Laura, to be my partner in life, love and adventure.

I will be at your side for all the risings and settings of the sun, for the days of fullness and through the barren times.

I will support your endeavours, listen to you, forgive you and laugh with you, and above all, I promise to be true and faithful to you and this wonderful love that we share.

• (1655)

Laura then spoke these words:

Dearest Anne, love is a miracle, love is a mystery. I take you to be my life partner in this dance of wonder. I will love you and delight in you. I will whisper to you each morning, dream with you each evening, celebrate your joys, kiss your tears and nurture our love with all my strength and passion.

Back in the summer of 2005 in a restaurant in Stanley Park, also in Vancouver, a lesbian couple from Baltimore, Maryland in the United States stood with a marriage commissioner and made promises to each other. This couple knew no one in Vancouver but had gone there to be married because that possibility did not exist for them back home. They asked two women who happened to be having lunch in the restaurant, also as it turns out visitors from the United States, to be their witnesses. The women agreed. The brief civil service took place in the garden. When the marriage commissioner pronounced them married and they kissed for the first time as married spouses, everyone in the restaurant stood and applauded. Total strangers, randomly selected, stood and applauded this couple's making solemn, joyous promises to each other. A line formed of restaurant patrons to congratulate these strangers, this newly married couple.

A table of folks from rural Alberta had taken photos and offered an email address so they could be delivered. An elderly woman, moving slowly with a cane, waited and gave them huge warm hugs and a blessing. The American witnesses were deeply moved. That such a scene was possible in a public place made them believe that Canada was in a very real sense the promised land.

I feel lucky to have been present when Scott and Éric were married. I am very moved by the eloquence and poetry of Anne and Laura's vows. I am also so deeply moved by the story of the marriage

of the women from Baltimore in the restaurant garden and so proud of my citizens for their spontaneous outpouring of support.

For me, these promises, these stories are what this debate is all about. It is about gay and lesbian couples making promises to each other, promises on the one hand that are not unusual because they are the same as couples have made to each other in marriage for years and years. But they are promises that are also very special because gay and lesbian couples have had to fight for the exact same right to make them in public that our heterosexual brothers and sisters have.

They are promises that provide a firm foundation for life-affirming relationships. They provide a firm foundation for families. These promises make our communities stronger by expanding the circle of intimate, justice seeking, loving relationships. These promises give security, security to couples, security to the children of these partnerships, security to our families and our communities. These promises lead to serious legal obligations and responsibilities that are willingly and enthusiastically engaged.

Building relationships, founding families, expanding intimacy in the pursuit of justice and love, providing security, assuming responsibility: all these are foundations of a strong society, all values that contribute to a strong society, all defining aspects of the institution of marriage in our society.

Twelve thousand five hundred couples, 25,000 individuals, have made the same kind of commitment in Canada since marriage became possible for gay and lesbian couples. These marriages were performed by clergypersons and by secular marriage commissioners, all of whom were licensed to solemnize marriages by their provincial governments and given the civil authority to legally marry couples as defined now by the federal Civil Marriage Act.

These couples who chose to be married are not people who want to change the institution of marriage, but instead are people who only seek to be included in this institution, because they believe in the values that it represents and that it supports. They are people who have been raised in families and communities that hold marriage in high regard.

Thousands more in Canada have stood with these couples as members of wedding parties, best men and maids of honour, as members of congregations, as family members and as witnesses. In doing so, we have pledged our support for these couples. We have witnessed their love and commitment and pledged to honour and respect those relationships. We have agreed to be part of their families.

• (1700)

Marriage is stronger in Canada for these thousands of commitments by gay and lesbian couples and by their witnesses. Often we have left these marriage ceremonies inspired with new respect for this institution. In so many ways, gay and lesbian couples are true marriage evangelicals in Canada. They are the people fervently advocating for this institution, an institution that has faced many challenges in recent decades. I believe that gay and lesbian couples who marry have breathed new life into this venerable institution.

Government Orders

At a very fundamental level, the marriage law was about equality for gay and lesbian Canadians. It was about our basic human rights, whether we choose to be married or not. This fact was clearly recognized in the gay, lesbian, bisexual and transgender communities, even in quarters that have questions about the institution. It was about full citizenship, about clearly stating that all Canadian institutions were open to all Canadian citizens, including civil marriage.

As gay and lesbian Canadians, we recognized, whether or not we sought to be married ourselves, that it was not acceptable to be told that we could not walk through the front door of a key institution of our society. We also recognized that a lesser recognition of our relationships, such as civil union, cheapened our citizenship and made us less than full citizens. Entering a key institution of our society by a side or back door or creating a separate institution to recognize our relationships is not equality and not full citizenship.

The government also knows that it has no jurisdiction to create a civil union possibility, so that suggestion in its motion is misleading at best. The jurisdiction for such a step lies with the provinces, and the provinces have shown no interest in such a possibility since the passage of the Civil Marriage Act and since the court decisions that preceded it and which established the right for gay and lesbian couples to marry in almost every province in Canada.

There was great care paid to ensuring freedom of religion in the law that was passed. No priest, rabbi or minister will be forced to marry a couple against their will. No religious institution will be forced to perform a marriage that is against its beliefs, theology or practice. Indeed, since the law was changed, none have, and none will be. This is not new, in the same way that no divorced couple could sue or has tried and least of all succeeded to sue a church for a marriage if that was against the theology, belief or practice of that church.

Furthermore, to change the law now to remove the ability of gay and lesbian couples to marry will also remove the right of those churches, synagogues and temples which, on the basis of deeply held religious convictions, have decided to marry gay and lesbian couples. In many ways, the religious freedom shoe is now on the other foot. To truly protect religious freedom in Canada, we must protect the provisions of the Civil Marriage Act.

It has also been said that somehow the debate on the Civil Marriage Act was deficient. As someone who was part of that debate in the last Parliament, I want to take serious issue with that position. No issue was more fully debated in the last Parliament. Hours and days of debate were held at every stage of the bill. A special legislative committee held extensive hearings and heard from dozens of witnesses.

That was in addition to the numerous court challenges in the provinces and territories, Ontario, British Columbia, Quebec, Nova Scotia, Yukon, Manitoba, Saskatchewan, Newfoundland and Labrador, and in the former government's reference to the Supreme Court and that court's decisions. As well, in the 37th Parliament, the Standing Committee on Justice held cross-country hearings on the matter, hearing from 467 witnesses. There have been multiple court decisions and multiple votes in the House. Hundreds of witnesses

have testified and there have been hundreds of hours of debate. Due diligence was done.

This issue has been thoroughly debated in political parties. The NDP, for its part, has been very clear on its unconditional support for the right of gay and lesbian Canadians to marry. Other parties have had significant debates. The matter has been debated in churches, temples and synagogues, in families, classrooms and bars, and on the shop floor, and it is clear that a majority of Canadians do not now want to see a change in the current law.

Thirty-two years ago as a young gay man, I marvelled at the bravery of Richard North and Chris Vogel, a gay couple in Winnipeg, as they attempted to obtain a marriage licence. They did not succeed, but their relationship, their marriage, was subsequently celebrated by a Unitarian church congregation.

At that time, I could not imagine doing what they had done. I could not imagine living in a society where my relationships would be respected and honoured, where I could pursue a lifelong commitment to another man whom I loved and who loved me. I thought my relationships would always face imposed limitations and therefore be less than those of my parents and grandparents.

● (1705)

Thanks to brave couples like Richard and Chris, thanks to their example, their role modelling and their risk taking, new possibilities were opened up for me and for thousands of gay and lesbian Canadians like me. More recently, many other brave gay and lesbian couples put their relationships on the line, pursuing and ultimately securing justice in the courts and here in Parliament.

Éric and Scott, Laura and Anne, the women from Baltimore, and thousands of others have shown us that there is something of great value in the institution of marriage. They have shown us that inclusion in the institution of marriage is worth fighting for. They have demonstrated love, commitment and responsibility. These are the true traditions of marriage in Canada. These are values that truly define marriage in Canada.

Given all that, there is no reason to again debate marriage, no need to change the law, no need for a separate institution for gay and lesbian couples, and no need to limit access to marriage for gay and lesbian couples in the future. Instead, there is real reason to celebrate, to celebrate love, right relationships, commitment, the pursuit of justice, responsibility, and the building of relationships, families and communities, and to celebrate equality.

The witness of gay and lesbian married couples, the family, friends and co-workers who support them, and the Civil Marriage Act make that celebration possible. That is why New Democrats in the House will be voting against the Conservative government motion.

● (1710)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I thank the member for his intervention and also explaining to the House a little bit about the issue of a civil union.

Government Orders

This motion that now is before the House seems to be a little different than the apparent promise during the election campaign, which was simply to open the debate. I do not know who decided that was going to be the promise and what in fact it entailed. Even today in the speech of the House leader of the government, he relayed to the House and to the public that the motion before us was simply to open the debate. That is clearly not the case.

The issue really has to do with whether or not this motion is calling on Parliament to ask the government to introduce legislation in a legislative process that in fact is unconstitutional.

The question I have for the member is whether he could affirm to the House his understanding of the Supreme Court decision on the reference to the Supreme Court. My understanding is that the Ontario Court of Appeal said that denying same sex marriage was against the charter, that it was a violation of the equality provisions of the charter. That decision was followed by a number of provincial decisions. The Supreme Court itself ruled that it would not overturn those decisions, i.e. it effectively made it a violation of the charter and in fact unconstitutional.

It appears that no legislation could be introduced and not be unconstitutional. I wonder if that is the member's position.

Mr. Bill Siksay: Mr. Speaker, I do agree with the member. I believe that there is no way to legislatively overturn gay and lesbian people's access to marriage in Canada now. I believe that it would take the application of the notwithstanding clause of the Constitution and I do not believe that even this government is prepared to use that kind of sledgehammer to attack human rights in Canada.

I agree with him as well that this is a flawed motion. The reference about civil marriage in this motion is completely out of place, I believe, because it is very clear that civil unions are in the jurisdiction of the provinces. It is very clear that the federal government has no ability to legislate or introduce any kind of civil union regime that would have any bearing on this debate before us or any bearing on our jurisdiction as federal members of Parliament.

I agree with him on both issues.

Ms. Catherine Bell (Vancouver Island North, NDP): Mr. Speaker, I would like to thank my hon. colleague from Burnaby—Douglas both for his comments and for all the work that he has done for so many years on this issue in standing up and speaking of equality rights for gays and lesbians. The speech he made was very moving, as were the beautiful vows that he talked about between such loving couples that he has the pleasure to know.

I myself have had the pleasure of knowing many gay and lesbian couples over the years. I have seen at first hand their love for one another and their pride in being able to share that love in a way that is equal in society, in being able to take part in marriage vows and to feel like they belong in society as equals with the rest of us.

I want to ask my hon. colleague one question. It has been over a year now since the passing of Bill C-38. Has he seen anything that would give him any indication, as some people have said, that the state of marriage in Canada is in jeopardy, that there is a crisis in marriage? I want to ask him if he has seen anything to give him pause there.

●(1715)

Mr. Bill Siksay: No, Mr. Speaker, I have not seen anything that would lead me to believe there is any kind of crisis in marriage in Canada.

In fact, the only thing we have seen since the passage of the Civil Marriage Act and since the court decisions is that more couples who strongly believe in the institution of marriage, who believe in the values and traditions of marriage, who believe in the commitment that marriage involves, have been able to take on those responsibilities and those commitments. They have been able to stand before their friends, families, colleagues and communities and make commitments and promises to each other. I think that should fill us all with joy and happiness. I think it is something to celebrate. I think it has been celebrated across the country.

If 12,500 gay and lesbian couples have made that kind of commitment and those kinds of promises since the laws began to change in Canada, and if they invited people to those ceremonies—and we all invite people to weddings—then thousands if not millions of other Canadians have participated in witnessing those commitments, in standing up to support those couples, and in saying that they are going to respect their relationships and nurture those relationships. Those witnesses stand in pride with them to say that this contributes to building families and contributes to our communities. I think that is a very positive thing.

The only observations we can make in light of the change in the law and in light of the court decisions are positive ones that will benefit our society, that will benefit our families and that will benefit the institution of marriage in the long run.

Hon. Stockwell Day (Minister of Public Safety, CPC): Mr. Speaker, I am pleased to take part in this debate, protracted as it is with 10 minutes each, on a subject which, when we think about its historical context, is the most significant sociocultural change that our society has faced in terms of a definition of a word and how it is going to be taken up legally in hundreds if not a couple of thousand years. It is very significant that we are talking about this and engaging in this debate.

I do not often look to someone in the media for support of a particular position I may have had, but there was an article this morning, an editorial piece in the *National Post* by Andrew Coyne, a person with whom I do not agree on any number of occasions. However, in terms of context and in terms of how this debate should proceed he framed it in a rational and civilized way.

That is one of the first things I want to address. The basis for my position I have articulated in the House on a number of occasions. The last time was in March 2005. I proposed to my colleagues the religious framework for the position which I embrace, the Judeo-Christian construct which frames that discussion and it is there for people to read, March 23 or 25 of 2005.

Therefore, I am not going to get into all of that tonight in the very short period of time that we have. I want to talk about the nature of the debate itself. I should add that the reference that I made to the *National Post* and the op-ed piece, is by somebody who says that they support a change in the definition of marriage. This is not someone with whom I agree on the position itself, but it is worth taking a look at in terms of framing the debate itself.

Government Orders

It was disappointing, I must say in all honesty, to hear not that long ago, and not from the previous speaker but I believe from the member for Hochelaga who took a very combative approach to this issue. Terminologies get thrown up, terms get tossed into this debate which really do not allow people to get into the real crux of the matter.

When somebody who supports the traditional definition of marriage as defined as the union between a man and a woman is called—and I have never plumbed the depths of the meaning of this word—homophobic or a “homophobe”, that does nothing to enhance the debate or encourage people to come forward or discuss it. Does that mean that somebody who wants to see the definition of marriage changed is a heterophobe? Of course not. That would be ridiculous.

I would hope that we can talk about the nature of the debate and the basic elements of the debate without it disintegrating into that kind of atmosphere. I think in most cases we have heard that so far and I hope we can keep it at that higher level.

Whatever our opinion is of whether this is an issue of basic rights or a violation of rights, and obviously we are allowed our opinions on this, there is a fact that is clear. The Supreme Court has not declared that the definition of marriage, defined as the union between a man and a woman, is unconstitutional. It has not declared that.

It might be someone's opinion that it has, and I reference the article in the *National Post* again this morning, not that the *National Post* is the be all and end all, but that has not been decided by the Supreme Court. It is certainly one's right to say that this is a violation of a human right, but it has not been decided by the Supreme Court.

As a matter of fact, on this question, the Supreme Court said that if there is going to be a change in the definition, Parliament should make that change. I applaud it for recognizing the purview and the jurisdiction of Parliament on that issue.

• (1720)

There is another aspect of this debate that is still somewhat troubling. Tonight, as we stand here and debate this very important item, our wish, and I congratulate the Prime Minister for understanding the very basics and the roots of democracy itself, is that the individuals and especially the delegated elected individuals who are here should be able to stand up and freely articulate our differences of point of view. There should be no man or women who could tell us that we would not be able to stand and speak freely on this.

I am pleased to see that the new Liberal leader has changed his mind on this and apparently is allowing a free vote. It is very disturbing to know that there are two parties in the House, and I am not trying to make this a partisan issue but I am pointing something out, that tonight, despite the encouragement of our Prime Minister, two parties in the House that call themselves democratic, and one even uses the word in its title, are not allowing their members to vote freely on this because in the opinion of the leader, unsubstantiated by a Supreme Court ruling, there shall be no freedom to vote on something as crucially important as this particular opinion.

It was not that long ago that the leader of the NDP actually kicked a women out of his caucus because she wanted to vote with her conscience. That type of thing—

Mr. Bill Siksay: Mr. Speaker, I rise on a point of order. The hon. member just indicated something that is not indeed a statement of fact. No one was expelled from the caucus of the NDP in the course of the debate on same sex marriage in the last Parliament. I hope that he will clarify—

The Acting Speaker (Mr. Andrew Scheer): Order, please. It sounds a bit like debate to me. The hon. Minister of Public Safety.

Hon. Stockwell Day: It does sound like debate and not a point of order, Mr. Speaker. I hope that does not detract from my time.

That particular member was stripped of all of her committee responsibilities. I participated on a live radio show with the leader of the NDP at about that time. He said, and we can get this out of Toronto, that he had ordered her to be quiet and he was pleased with her silence. If the hon. member does not think that is effectively de facto eliminating a member from what should be a democratic debate, he needs to take a good close look in the mirror. I am pleased that we are able to have the debate, at least with some parties, and to vote freely on it.

The issue of religious freedom is also one that should be of importance to everybody, whether they claim to be people of faith or not. When we look at history in terms of the development of certain democratic freedoms, we will know that certain religious freedoms give rise to broader freedoms. The freedom to express oneself religiously is so basic to so many other freedoms that when I met with the Dalai Lama about two years ago, I asked that in his world tour promoting world peace, for which I congratulated him, that he encourage every world leader to allow freedom of religion within their jurisdiction.

As we know, over half the world right now does not have freedom of religion because freedom of religion leads to freedom of speech, leads to freedom of association, leads to the freedom of expression, and the freedom to acquire property, to build mosques, temples or churches. It is basic to the freedoms we have. Anything that goes against that is very dangerous and has to be guarded jealously, again, whether a person claims to be a person of faith or not.

I raised questions on this issue in 2005, questions which have not yet been answered, but I would take issue with some of the things that my colleague spoke on. He has greater faith, I would say, in the fact that religious institutions and religious discretion will not be diminished if there is a change, as there is, in the definition of marriage. I appreciate his faith, but I would say to myself, “O ye of little faith,” because that is not what is happening.

In fact, we do know that there have been some cases where commissioners of marriage have been told they will be relieved of their duties if in fact they do not perform a marriage which is contrary to their faith, that being heterosexual marriage. That has already happened, so religious faith is being diminished there.

*Private Members' Business***PRIVATE MEMBERS' BUSINESS**

● (1730)

[Translation]

CRIMINAL CODE

Hon. Denis Coderre (Bourassa, Lib.) moved that Bill S-211, An Act to amend the Criminal Code (lottery schemes), be read the second time and referred to a committee.

He said: Mr. Speaker, it is an honour and a privilege for me to sponsor a bill originating in the Senate.

I would like to pay tribute to Senator Jean Lapointe who has worked all his life to improve people's quality of life. Bill S-211 will in fact improve people's quality of life. Senator Lapointe has fought all his life to combat injustice. He had problems with alcohol himself and he overcame those difficulties. He has been particularly active in combating the appalling ravages of gambling. Bill S-211 is in fact a way to contain one of the most horrible plagues on our youth and on all our fellow Canadians. I am talking about video lottery terminals.

There are video lottery terminals in bars and in restaurants. We all have a family member, a friend or someone with a serious problem because of video lottery terminals. I was a minister in the past and I am now a member of Parliament. The role of a legislator is not merely to make speeches and answer questions. A legislator must play a meaningful role in the quality of people's lives.

Our role is precisely to make sure that we create an environment that makes it possible for our fellow citizens to have a decent quality of life. Every time we have an opportunity to do that, without managing their lives for them, we must give them guidance and an environment that will help them to prosper in society.

There is a serious problem at present from which too many people and young people are suffering; it is called pathological gambling. The distress we see is serious. We have even heard of suicides. Video lottery terminals affect more than 90% of people who have a gambling problem. That is why this high rate of dependency must be contained. We must find a way, together, to make it possible for these people to have a better quality of life.

This bill amends the Criminal Code. It will give us a means to contain the ravages of something that, as I said earlier, causes countless problems for our fellow Canadians. This bill will not ban video lottery terminals, however. Whenever we try to ban something, we get into the whole question of organized crime and the black market. The purpose of this bill is to confine video lottery terminals to race courses, casinos and associated places like the Hippo Club, which are all managed, and managed only by the provincial governments.

I could produce scores of statistics to show what a scourge compulsive gambling is and how it causes serious problems for Canadians.

In his presentations on video lottery terminals, Dr. Robert Ladouceur, a psychologist at Université Laval and one of the leading researchers in the field of compulsive gambling, has stated that 95% of the people he treats for problems related to pathological gambling indicate that video lottery terminals are their preferred game of chance.

We have seen cases where religious institutions have faced rulings by the Human Rights Commission and incredible fines because they would not allow their property to be used for certain types of marriages. We have seen cases where individuals have expressed in newspapers, even letters to editors, their religious point of view on this issue and they have suffered severe penalties. Religious freedom is at risk here by those who do not truly understand the importance of allowing that to continue.

I will say in closing that I honour my parents. We have heard members speak about their parents. I honour my mother and my father, who recently passed away, for their demonstration of the importance of marriage, the importance of heterosexual marriage, and the realization that marriages are not perfect. Certainly, mine is not. My wife is, but I, personally, am not. However, the importance to maintain this institution as defined between a man and a woman is crucial.

● (1725)

The Acting Speaker (Mr. Andrew Scheer): I see several members rising. If we can keep questions and comments as brief as possible, we can accommodate more members.

The hon. member for Mississauga South.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I assume the member presumes that this motion before the House will satisfy the promise made by his party during the election and that he also accepts that it has been well established in the debate so far that it would not be constitutional simply to put forward a piece of legislation that would summarily just revert the definition back to the traditional definition of marriage.

Having said that, three members of the Conservative Party have come to me and told me that the Prime Minister's Office does not want this motion to pass. Could the member explain to the House why the Prime Minister's Office wants this motion to fail today. Is it because the government cannot come forward with a bill?

Hon. Stockwell Day: Mr. Speaker, my hon. friend across the way has been around long enough to know that it would be foolhardy to speculate on hearsay. Three people said to him something they heard that came out of the Prime Minister's Office. I am not even going to speculate on that.

The Prime Minister was the only national leader in the last election campaign, before that campaign, and now, who is standing and saying this must be a free vote.

I know enough about the Prime Minister, and I hope my hon. friend would also know, that he would not make a comment like that and in fact stake out an electoral position, which some would suggest may not have been electorally positive, but one that is based on principle, in the hopes that in fact it would fail. I think that is a foolhardy notion and I think I have addressed that.

The Acting Speaker (Mr. Andrew Scheer): Order. The Minister of Public Safety will have approximately three and a half minutes left for questions and comments.

It being 5:30 the House will now proceed to the consideration of private members' business as listed on today's order paper.

Private Members' Business

According to the Maison Claude Bilodeau, which opened in the fall of 1999 and is dedicated to helping compulsive gamblers, 94% of the requests it has received since its inception are specifically related to the use of video lottery terminals.

According to the report on gambling prepared by Harold Wynne from the Canadian Centre on Substance Abuse, 78% of individuals with gambling problems play video lottery terminals.

Our friend, Senator Jean Lapointe, opened a treatment centre that bears his name. According to a recently study led by the Maison Jean Lapointe on the treatment of pathological gambling, 83% of participants who began treatment said that video lottery terminals were their preferred game of chance.

Furthermore, the Institut national de santé publique du Québec estimates that 9% of people who use video lottery terminals develop a dependency. The research consulted unanimously reports that video lottery terminals represent the primary source of problems for 80% to 90% of gamblers who seek help.

• (1735)

According to a study published in the *Canadian Journal of Psychiatry*, most compulsive gamblers are addicted to video lotteries that they play every day or several times a week. They can stay close to home, therefore, and use the machines in local bars.

Dr. David Hodgins of the University of Calgary said in his presentation to the advisory board of the Institute of Neurosciences, Mental Health and Addiction that in Alberta 3% were compulsive gamblers, 2% were pathological gamblers, and 86% of the people who seek help in Alberta play video lotteries.

These statistics alone show what a problem there is with the proximity and availability of VLTs. I am not as knowledgeable or experienced as Senator Lapointe in this regard. However, all of us as members of Parliament go door to door to see people. We walk around and meet people. How often when I go to a restaurant where there is video poker do I see people and youths putting their money into these machines? How did they get their money? Are they going to empty their wallets? Are they going to cash their social assistance cheque and put it all into this? How many times have ladies, mothers of families, come to see me because their husbands play video poker? How many fathers of families do not know which way to turn because their children also play on VLTs?

This is a major problem and our role as members of Parliament, legislators, fellow citizens and responsible people who are supposed to improve the quality of life is to ask ourselves how we could legislate and do our work as members of Parliament to help those people. There is an adage that opportunity makes the thief. How can I ensure that these people do not have too much opportunity because VLTs are so near?

There are some people who love to talk numbers. They say that lotteries donate billions of dollars and generate revenue and that this is about the balance of convenience. I mention the balance of convenience because every time we face this kind of scourge, every time we have a pathetic situation like this one, there is a social price to pay.

Dr. Neil Tudiver of the University of Manitoba found that a compulsive gambler costs society \$56,000 per year.

Take, for example, the numbers in Quebec. We did not make these numbers up. They were provided by the people at Loto-Québec, who are lottery experts. They say that Quebecers account for 2% of compulsive gamblers. So, if we do a little math, we find that 140,000 Quebecers are compulsive gamblers. Of those 140,000, an estimated 89% are addicted to video poker. That means that 124,000 Quebecers have a video lottery problem.

If we multiply that number, 124,000, by \$56,000 in costs to society, that means the state is spending \$6.9 billion per year. Those 124,000 Quebecers who are problem gamblers with a VLT habit cost us \$6.9 billion.

Do you know how much revenue video lotteries generate for the Government of Quebec? Approximately \$1 billion. If we do a little more simple math, we find that \$1 billion in profits costs \$6.9 billion in losses for the province because of compulsive gambling. I think that is a pretty convincing argument.

Yes, people will ask us why we are getting involved because this is under provincial jurisdiction and agreements about gambling were made between 1977 and 1985. Personally, I think we have a responsibility here.

• (1740)

This is about amending the Criminal Code, in a provincial jurisdiction. In 1985, I think, the Montreal casino did not exist, nor did video lotteries.

This is my call to everyone today: let us make sure that, following the second reading, this bill will be studied by the Standing Committee on Justice and Human Rights in order to make some clarifications, if necessary.

I see my colleague from Hochelaga nodding his head, because he understands. In fact such a situation also exists in the Centre-Sud neighbourhood. This is not an issue affecting the poor as opposed to the rich. But we know that more people are affected in some places than in others.

After second reading, in committee, we can then ask questions having to do with the federal-provincial aspect.

Still we should make sure that we can play our role fully as responsible citizens. We are legislators, we are the representatives of democracy, and this is the cradle of democracy. Together we adopted a motion bearing on the recognition of the Quebec nation. What about this nation, how is it supposed to operate?

Every time I have had the opportunity, as a legislator and responsible person—which I have had as the Minister of Sport, the Minister responsible for La Francophonie and the Minister of Immigration—I have tried to find ways of ensuring a better quality of life for people.

Private Members' Business

Here we are working on accessibility. We saw the consequences of prohibition in the 1920s. The prohibition of alcohol had a direct impact, namely, organized crime. Some people got rich that way. People got around the system and still got their drinks. And if, in a way, we regulate the way how things are done and the video lotteries are relegated to specific places, it will not be any better.

The bill is clever in this regard. Senator Lapointe did an excellent job. We will take three years. There will be consultations; the governments will consult one another, and we will find a decent way of ensuring that there can be a transition period— for example, in Quebec, involving Loto-Québec, the bars, the Government of Quebec, and the rest. We give ourselves three years so that we can achieve our ends.

One person is already too many. I could talk today about statistics, but one person is too many. We have heard about suicides, people who are depressed, people who were not players. But when they began to play these video lotteries, they were caught up in an untenable and horrific situation, a situation that is now worrying.

[*English*]

This is not only an adult problem, it is a youth problem as well.

There was a situation involving a 17 year old kid who committed suicide because of this problem. The kid started at 15 years old. He was going to that restaurant and playing many times. It became compulsive. He thought he would make some money because he played it so often, but it became a disease. One has to wonder if he stole to get the money. Did he have a Shylock or some individual involved in organized crime who passed him the money? If he did not win money, he would still have to reimburse that individual, at an interest rate of 30% or 40%. He was 17 years old. He did not see the light at the end of the tunnel. What was he going to do? He killed himself.

We have a duty in this place to do our job. We need to get the tools to the people who can make things happen.

I have been in politics for 25 years. Next June, I will have been a member of Parliament for 10 years. This is important legislation because it is concrete. We will make a better life for people if we pass the legislation.

[*Translation*]

I invite my dear friends to strongly support this bill on second reading. I understand that my colleagues from other parties are also going to give their point of view at this stage.

In my opinion, the first stage consists of accepting the basic principle of this bill so that we can then study it in committee.

Obviously we will be open to clarifications but we should continue Senator Lapointe's work and carry on building a better world.

• (1745)

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I am very much in support of the principles behind this bill. The one concern I have is that we may be infringing on the territoriality of the provinces by way of agreements that we have had with them starting

back in maybe the late 1980s and the decision for the provinces to determine whether this type of gambling equipment would be usable in each of the provinces. I understand we have a series of agreements with the provinces and authority for that.

I am wondering if the member who sponsored the bill could express some opinion as to the legality of us passing this bill if it breaches those contracts, or if he has some other agenda as to how we might be able to deal with that particular problem.

Hon. Denis Coderre: Mr. Speaker, the example that comes to mind is the agreement between the provinces, the territories and the Government of Canada in 1985 with the share of profits based on the lottery. That was before the time of casinos and video poker at that level. We might have something there.

The Senate went through the three readings and had its share of discussion on it, which is why it should be sent to the justice committee where it can have that kind of discussion.

There is a balance between the legality and the legitimacy of it. We know we will need to amend the Criminal Code. We can frame the issue by addressing the fact that it is under the Criminal Code, which is federal jurisdiction. On the other hand, the fact is that there is a period of transition of three years where we need to consult with the provinces.

My understanding is that those who do not have the problem in some provinces or territories are fully in agreement. The other provinces do have some doubts and questions because of the constitutionality. However, I would say that it is like the environment. It is a shared issue that we must address among ourselves.

By having that kind of profound, in-depth debate within the justice committee we should have all the legal framework attached to it. Frankly, with the role we play as legislators and since it is under the Criminal Code, I am not sure it would jeopardize the actual agreement that already exists but we will need to discuss those kinds of things, which is why we are hoping to make those kinds of clarifications during the debate. Since we agree in principle, I truly believe that it is a must to have that kind of debate.

Mr. Ken Boshcoff (Thunder Bay—Rainy River, Lib.): Mr. Speaker, the issue of the addictive properties seem to be well-documented in numerous jurisdictions. When we talk about the use in certain restricted areas, why do we think we could actually tolerate even that level of the addictive properties of VLTs?

Hon. Denis Coderre: Mr. Speaker, it is because at the end of the day it is all about doability. We may be in politics but we must be pragmatic. I feel that if we prohibit it, organized crime will take over. If we were to confine it to specific territories, it would still be available but under government institutions and regulated. We would have a better chance of addressing the issue.

I said at the beginning that one of the main problems with this issue is that availability. If a kid or other people like a machine they are playing they can become addicted to it. Therefore, if we confine these machines to a casino, people will have to go there. The experts have been pretty clear in saying that is what helped us to confine the situation.

Private Members' Business

Again, this is a doable, practical and pragmatic approach that will help us to provide better tools for the experts and the people in the field to confine that problem, which is truly a major problem. If we prohibit it, we will have the same thing happen as what happened with the prohibition of alcohol in the 1920s.

• (1750)

Mr. Rob Moore (Parliamentary Secretary to the Minister of Justice and Attorney General of Canada, CPC): Mr. Speaker, I will state at the outset that the government will not be supporting Bill S-211 but we want it to be completely understood that we do support and I support the need to reduce the human misery that results from gambling addiction.

However, we do disagree with the bill's approach of stripping the provinces and territories and their residents of their current ability to make local decisions locally.

We all want to end gambling addictions and its attendant economic misery, family hardship, employee theft and suicide. However, there is a very basic choice that Parliament must make, in light of Bill S-211, on the subject and, as we all know, when it comes to federal, provincial and territorial relations it is the delicate subject of decision-making relating to gambling and any other activity.

Will the federal government play big brother and take away the decision-making that the provinces and territories now have under the Criminal Code with respect to provincial government lottery schemes, or will local decision-making be left to the provinces and territories? It is as simple and yet as complex as that.

The general scheme in the gambling provisions of the Criminal Code is to prohibit all forms of gambling except those that are specifically permitted by the code. In 1969, Parliament expanded the legalized gambling provisions of the Criminal Code. A parliamentary joint committee had examined this topic, along with others, in the mid-1950s and recommended some expansion of legalized gambling.

By the time that Parliament was considering gambling amendments to the Criminal Code in the 1960s, some states in the U.S. had already amended their state constitutions, in some cases, in order to legalize a state lottery that could benefit the state economically. When Parliament amended the Criminal Code in 1969 to expand the forms of legalized gambling alongside the recommendations from joint committee reports of the 1950s, Canadian legislators of the day added permission for the provincial and federal governments to conduct a lottery scheme and permission for provincial government to license certain lottery schemes.

Later, in a 1976 federal-provincial-territorial agreement, Canada agreed not to use its permission to conduct a federal lottery scheme and the provinces agreed to make an annual payment to Canada that now amounts, in current dollars, to some \$60 million.

In 1983, Parliament enacted permission for the federal government to conduct pool betting operations and provinces went to court arguing that these looked very much like lottery schemes that the federal government in 1976 had agreed not to pursue. The federal government, for its part, commenced litigation against certain provinces for operating schemes that it saw as illegal pool betting operations.

The litigation was resolved in 1985 with a new federal-provincial-territorial agreement that required the federal government to use its best efforts to place a bill before Parliament to remove from the Criminal Code the permission for the federal government to operate a lottery scheme. The provinces and territories agreed to pay to Canada \$100 million to be used for the 1988 Calgary Olympics.

In 1985, a bill was tabled and passed that removed the permission in the Criminal Code for the federal government to operate a lottery scheme. It also clarified that a province or territory could itself operate a lottery scheme on or through a slot machine and a video lottery terminal, or VLT, a form of a slot machine, but a province or territory could no license to others to operate a lottery scheme on or through a slot machine.

The speed of play, games and internal computerization is essentially the same for what we traditionally think of as slot machines, which pay out by coin, and what we think of as VLTs, which pay out by a printout. Also, both traditional slot machines and VLTs meet the definition of a slot machine in subsection 198(3) of the Criminal Code:

...“slot machine” means any automatic machine or slot machine

(a) that is used or intended to be used for any purpose other than vending merchandise or services, or

(b) that is used or intended to be used for the purpose of vending merchandise or services if

(i) the result of one of any number of operations of the machine is a matter of chance or uncertainty to the operator,

(ii) as a result of a given number of successive operations by the operator the machine produces different results, or

(iii) on any operation of the machine it discharges or emits a slug or token, but does not include an automatic machine or slot machine that dispenses as prizes only one or more free games on that machine.

• (1755)

The premise of Bill S-211 is that Parliament should attack the problem of compulsive gambling by disqualifying, through an amendment to the Criminal Code, certain venues as sites for video lottery terminals that are operated by the provincial government.

Whether this would be a good idea or a bad idea is a matter for debate certainly, but what the government is saying is that we should maintain the existing Criminal Code approach that permits a provincial or territorial government to make that decision about where VLTs will be placed, if the province or territory chooses to operate any at all.

Bill S-211 would eliminate the possibility for provinces to place VLTs in locations other than racetracks or casinos. It is not just a matter of saying that Canada will pay any losses by provinces in moving provincial government VLTs from bars to racetracks and casinos. Clearly, this would affect federal-provincial-territorial relations even with provinces and territories that, to date, have chosen not to place VLTs in bars. None of the three territories place VLT terminals in bars and Ontario and British Columbia do not place VLT terminals in bars. Quebec, the Prairie provinces and the Atlantic provinces do place VLTs in bars which, of course, are age controlled premises that by law are not permitted to cater to minors.

Private Members' Business

Some Prairie provinces have held municipal referenda to remove VLTs from bars. They have respected those votes and removed VLTs from such establishments in those municipalities. A few years ago in New Brunswick there was a provincial referendum on whether to remove video lottery terminals from bars and the decision was to keep them. In fact, some Prairie and Atlantic provinces and Quebec have taken decisions to reduce or cap the number of VLTs that will be placed at bars in the province.

The choice that we have with this bill is to keep the jurisdiction for the video lottery schemes where it is currently with the provinces and territories or to take that back into the federal realm. The government's position is that we will leave that to the provinces and territories, which will allow for local decision making. Ultimately, residents of a province or territory are free to make their provincial or territorial government accountable for its decisions at the polls. Also, there is ample room for public debate on VLTs in the assemblies and legislatures of the provinces and territories.

As I just said, those debates and those referenda in some provinces and in individual municipalities are taking place, they have taken place and they will take place. It is at that level that individuals can have input into their own communities. There is no need for the federal government to change the existing provisions.

While advocates of Bill S-211 would prefer to do one stop shopping here in Parliament rather than to fight the battle in each province that places VLTs in bars, I am convinced that provincial and territorial governments and their residents should be left to determine what is appropriate in their local circumstances.

Therefore, I urge members of this House to vote against Bill S-211 and to leave provinces and territories the ability to make local decisions with respect to where they will place their provincial or territorial VLTs. We may disagree with the decision they take but that is for the province, the territory and, in some cases, the municipalities and their residents to determine.

This is an area that has been handed over to the provinces and we encourage residents to give input to their local province, territory, municipalities when these issues arise. It is the government's position to leave that local decision-making at the local level.

● (1800)

[*Translation*]

Mr. Réal Ménard (Hochelaga, BQ): Mr. Speaker, I want to congratulate Senator Lapointe for the battle he has fought, an extremely judicious battle that shows he is a generous man who cares for people. In our work, it is important not to always put institutions first. Sometimes people have to be a priority.

Senator Lapointe is known in Quebec for his brilliant career as an actor. I have watched his performance in the *Duplessis* series many times—not that I have any admiration for Duplessis, but this show is indeed part of our television anthology.

I also want to commend the hon. member for Bourassa for sponsoring the bill here in this House. The Bloc Québécois very much hopes that the bill will reach second reading, that it will be referred to the Standing Committee on Justice and Human Rights, and that we can manage to reconcile two objectives.

The first objective is to give some tools to those who have a gambling addiction. The location of video lottery terminals, VLTs, is part of the problem.

Our second objective involves respecting jurisdictions. No one can deny that an agreement was reached in 1979 and renewed in 1985, under which the provinces pay \$50 million. The federal government said it would withdraw from this jurisdiction. The provinces can therefore take care of it and it is clear that the Bloc Québécois will definitely be quite anxious about matters of respecting jurisdictions. We are trying to find a way to reconcile these two objectives and the appearance of witnesses in committee can certainly allow us to achieve these objectives.

Gambling addiction destroys families, creates major problems, makes individuals miserable, breaks up relationships and causes real harm in communities. The Bloc Québécois wants to see Senator Lapointe's bill as a way of helping people resolve their addiction problems. Of course, more needs to be done and a certain number of issues will have to be taken into consideration during the debate.

First of all, Loto-Québec established the Société des loteries vidéo du Québec in 1993. Quebec then was responsible for making a certain number of terminals available in the province. At present, there are just under 14,000 terminals in Quebec bars, pubs and restaurants. There is an entire licensing and permit system for these terminals.

It is interesting to note that our citizens can go to various licensed establishments to play these 13,870 terminals, which require a permit and are authorized. Of these, only 430 are located at racetracks. Senator Lapointe is right to state that in the majority of cases and for the most part, certainly in the case of video lottery terminals, they are available in places other than racetracks, casinos and betting theatres.

We must also ask the question because what is of concern to us is that there also must be state controls. We do not wish to return to a system like the one that existed before government licensing of video lotteries. At that time there was the problem of underworld control. I have been provided with statistics on this matter. Prior to 1993, the state had lost control of between 30,000 and 40,000 terminals. Therefore, not only had the government lost control of the resources generated by this underground industry, an industry controlled by organized crime, but it was also prevented from intervening on other fronts. I remember that several years ago Loto-Québec developed a program that would help compulsive gamblers. I could provide some examples in this regard.

● (1805)

Moreover, Loto-Québec, through its subsidiary, the Société des loteries vidéo du Québec, has begun to reduce the number of video lottery terminals. The plan calls for a 31% reduction, over four years, in the number of VLTs in Quebec.

Private Members' Business

Loto-Québec and the Government of Quebec are already taking a number of measures. It is interesting to note that in Quebec's National Assembly, the minister with responsibility for the video lottery system and the support program for compulsive gamblers is not the Minister of Justice, Mr. Marcoux, but the Minister for Youth Protection and Rehabilitation, a member from Quebec City, Margaret Delisle. She is responsible for it. There is a whole program for compulsive gamblers.

Obviously, this should not prevent us from taking action of our own, in line with Senator Lapointe's proposal. But our jurisdictional concerns must be addressed, and we need guarantees that provincial jurisdictions will be respected, because we would not want to set any precedents.

We sympathize with what the senators have done. Of course, we think the Senate should be elected. I do not know whether, in a sovereign Quebec, there will be an upper chamber. That will be debated in due course. But one thing is certain. If, tomorrow morning, for example—

An hon. member: Oh, oh!

Mr. Réal Ménard: I have attracted the attention of the member for Bourassa. I do not know whether he wants to reply.

Mr. Denis Coderre: I thought it was another parody of Mr. Boisclair.

Mr. Real Ménard: Mr. Boisclair is a great leader. The member for Bourassa and I have witnessed victories and defeats in leadership contests. That is a fact.

On a more serious note, what I wanted to say is that if, tomorrow morning, a senator were to stand up in the other place and propose changes in education, for example, in the curriculum of school boards and schools, that might be a good idea. If a senator were to stand up in the Senate and say that Canadian history should be a mandatory subject, we would no doubt approve. But I am not convinced that we would agree that that initiative should come from the federal government.

So we support Senator Lapointe's bill. We hope that the bill will pass second reading. We will vote for it at second reading and we will be looking for an amendment to be introduced in due course, either in committee or during third reading—we will see—to ensure complete respect for Quebec's jurisdiction.

That said, I want to explain that the National Assembly has already passed a certain number of measures relating to gambling addiction. For example, VLTs are located in places off-limits to those under 18. Posters proclaiming that gambling should just be a game are put up in every establishment that has VLTs. Brochures to raise awareness are placed near the machines and messages promoting moderation appear on or near them. There are a number of mechanisms in place to make people aware that excessive gambling is not healthy for the people who do it and is certainly not healthy for families that have to deal with the problem.

This is an important financial issue because, as the member for Bourassa said, gambling brings in \$1.3 billion for the government, though not necessarily all of that is profit, which is more like \$809 million.

As you can see, there are problems, considerations and financial issues we need to keep in mind. But we cannot make decisions based on those factors alone. The most important consideration is the health of individuals and targeting the harmful nature of problem gambling.

In closing, I would like to congratulate Senator Lapointe once again. I hope that we will be able to hear witnesses in the Standing Committee on Justice and Human Rights. We will see where this issue places in the committee's list of priorities, which is long.

● (1810)

Nevertheless, the Bloc Québécois is fully prepared to cooperate to ensure a diligent study of this bill, which deserves the support of all parliamentarians.

[*English*]

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I rise to speak to Bill S-211, which has come to us from the Senate under the authorship of Senator Lapointe and sponsored here by the member for Bourassa.

This bill is attempting, and I think to some degree successfully so, although I have some reservations, to look at a specific problem in the gaming industry. In particular, although it addresses the use of video lottery terminals and slot machines, the major problem we have is with the video lottery terminals, the VLTs. I have been involved in this issue for quite some time. Windsor, my home riding, had the first casino in Ontario. In fact I sat on the first provincial board in the province back in the early and mid 1990s.

During that period of time it became an issue as to whether the VLTs would be allowed into Ontario. Before I go on with that, I want to take a bit of an issue because I am not sure the major point has been addressed. What happened through the 1980s and into the early 1990s in Canada was that the federal government, by way of legislation in the House and agreements with the provinces, in effect permitted the provinces to move into the gaming industry.

Under the Criminal Code all the gaming in the country in effect is prohibited and is only allowed when there is legislation exempting the provinces or other operators from entering into the field. What has happened historically is the federal government has allowed that by way of exemptions from the Criminal Code, a law that goes back 400 or 500 years in common law and legislation, but the provinces do require those exemptions. Those exemptions have been granted.

Coming back to Ontario, as we received those exemptions, the Ontario government of whatever shade on various occasions had to make a determination as to what type of gaming would be allowed in the province. We have seen a similar pattern in a number of other provinces, I think all of the other provinces now.

Private Members' Business

What Ontario has done, and it will have no problem with the scheme that is established under this proposed legislation, is exactly what the legislation contemplates which is that it would limit the use of this gaming equipment to casinos. In Ontario it is both casinos that are run directly by the province and in some cases managed privately but owned and operated directly by the province, and then what we call charity casinos that are operated by charities in various locations around the province. In addition Ontario has allowed gaming equipment in the form of slot machines into a number of the race tracks.

It fits exactly into the pattern that is proposed in this legislation, with the exception that when we did the analysis under the NDP government in the early 1990s, we determined that the VLTs were so addictive, from experiences that we had studied in a number of other jurisdictions, that we never allowed them into Ontario. I believe that continues to the present time. They are not allowed in the casinos, they are not allowed at the race tracks and they certainly were never allowed in the bars, restaurants and other private establishments. That has always been a prohibition in Ontario.

That is not the pattern elsewhere in the country. We know we have a particular problem in at least two of the maritime provinces and I believe one of the prairie provinces, where in fact the use of the VLTs has been permitted by the provincial governments in private enterprises, some in a number of those jurisdictions in corner stores, variety stores, bars and restaurants. We never allowed them in Ontario because of their addictive nature. They are much more addictive than the traditional slot machine, in ratios of 10:1 to 20:1 more addictive.

● (1815)

We have heard all sorts of horror stories. The Senate heard a number of horror stories about people with modest incomes becoming addicted and spending a hundred dollars to several hundreds of dollars a day until they ran out of money. They exhausted all their savings and assets and ultimately bankrupted themselves and other family members. That has been a real pattern with VLTs. This is primarily what Senator Lapointe is trying to address in this bill. It is a laudable experience.

By giving provinces this authority, we have allowed them to become dependent on the revenues that they generate from these machines. An article in October's *Walrus* magazine detailed how much revenue was derived by private enterprises and provincial governments. They are used to receiving this revenue. In a serious proportion of cases, it is ill-gotten revenue because of the fact that it comes from people who are addicted to these machines, and it should be stopped.

Because this is such an important issue, I will be supporting the bill going to the justice committee, although the last thing the justice committee needs is another bill thanks to the intemperate approach by the Conservative government of sending all kinds of crime bills in patches to it. As we heard from the member for the Bloc, we will look at making amendments to ensure that provincial jurisdiction is protected and that the provinces are on side.

If we take away the right of provinces to have video lottery terminals and slot machines in private enterprises, then at the very least we need to give them time to adjust to that loss of revenue

because in some cases it is quite significant. They will need a timeline to move away from their dependency on this revenue. This will be one of the amendments.

Another concern of mine is we may get into a legal constitutional conflict between the federal government and the provinces based on the legislation we passed previously, allowing them to get into this industry. This will have to be addressed. I assume the Senate has addressed this to some degree, but I will be looking for a review on this to see if we are not crossing a constitutional boundary and going in a direction we should not be going.

I can safely say that this is a crisis, especially with regard to VLTs. It should be addressed. It may ultimately be more appropriate that it be addressed at the provincial level, so it may not be possible to support the legislation at third reading, but we have a responsibility to investigate this.

I will be supporting it. It will be a free vote in my party. Hopefully, with the support of the House, the bill will go to justice committee where we can conduct an investigation to determine whether amendments can be made that will bring it into line with the needs of the provinces.

● (1820)

[*Translation*]

Mr. Marcel Proulx (Hull—Aylmer, Lib.): Mr. Speaker, I rise today to speak in the debate on a bill that promotes moral principles based on human dignity. I am talking about Bill S-211, An Act to amend the Criminal Code (lottery schemes). I want to thank Senator Lapointe, who is the sponsor of this bill. His courage, his determination and his perseverance have enabled him to overcome the many obstacles in his path.

This bill amends a provision in the Criminal Code on lotteries. This amendment to the Criminal Code would limit the location of video lottery terminals to race-courses, casinos and betting theatres.

The objective is to remove VLTs from bars and restaurants. Let us be clear: the goal is not to ban VLTs, but to limit their location to casinos, race-courses and betting theatres.

According to a study by the program *The Fifth Estate*, in 2004 there were 38,652 video lottery terminals in 8,309 different locations in Canada. When the bill is passed and comes into effect over a period of three years, there will be no more than 206 locations in Canada where a person could gamble at a VLT.

Some of my hon. colleagues will raise the spectre of sharing jurisdictions between the federal and provincial governments. This debate is on a highly serious social issue that affects the entire Canadian population where VLTs are found. It is in Quebec where we find the greatest number of these machines. Although the government has cut the number of these machines, there are still too many of them and we would be burying our heads in the sand if we avoided talking about it because this issue might upset the provinces.

Government Orders

Bill S-211 is not the first bill to amend the Criminal Code on the matter of lotteries. A similar bill was introduced in 2004: Bill S-6. On April 21, 2004, during the proceedings of the Standing Senate Committee on Legal and Constitutional Affairs for consideration of Bill S-6, a brief presentation had been prepared on the issue to provide some background on the federal government's responsibility. It said:

The lottery scheme provisions in section 207 express the current federal government policy. Provincial and territorial governments are free to make local decisions regarding the kinds of lottery or gaming schemes that they may conduct or license within the limits set by the Criminal Code.

Senator Joyal even added:

The federal government could amend the Criminal Code and decide there will be no more gambling in Canada, period. We would have the capacity as a Parliament to do that.

At present, the Criminal Code authorizes the provinces to issue licences to operate video lottery terminals. There is no doubt that passing Bill S-211 could have a considerable impact on the provinces. In fact, provincial authorities reap astronomical profits from their video lotteries, to the extent that Canadians would be right to wonder if the provinces themselves have not become dependent on this revenue.

Where does this revenue for the provinces come from? A large majority of it comes from the money that people insert and lose in these machines. This is money that is therefore not circulating in our local economies, in our regional businesses. Aside from the royalties paid to the lessors of the machines, these considerable sums go directly into the coffers of the provincial governments, but at what price?

How many families have been direct or indirect victims of video lottery terminals? How do these families absorb the terrible losses caused by this type of gambling? How many children are underfed, poorly clothed and do not have proper housing because of such losses from the family income?

After Bill S-211 was tabled, the Standing Senate Committee on Legal and Constitutional Affairs presented a report with an annex including a number of observations. I would like to draw the attention of the House to the following observation.

Revenues to provinces and private enterprise, of course, represent losses to individuals. For some people, their losses do no harm. For others, however, there can be the serious social costs mentioned above, costs that are only minimally addressed by provincial programs for problem gamblers.

• (1825)

Thus, it may be said that provincial revenues from VLTs are a double edged-sword: the revenues are welcome, but the social costs for individual problem gamblers and their families may reverberate for years to come. Indeed, your Committee received testimony about studies estimating that the social cost of video lotteries is three to five times higher than the revenue they bring in.

Several witnesses appeared before this committee. According to the testimony, video lottery terminals, and I quote:

—are often placed in bars in lower-income neighbourhoods. Their accessibility thus encourages people who might not otherwise be exposed to gambling to start, and because of their location, individuals with meagre resources often suffer the most. Studies also tend to show that problem gamblers prefer electronic forms of gambling. For all of these reasons, a number of experts in gambling behaviour single out VLTs as posing particular problems for individuals and communities.

This form of gambling is highly addictive and youth are often the most vulnerable.

It is interesting to note the position of those who work in the hotel and restaurant industry, as indicated in this same Senate report:

The Association of Restaurant and Hotel Workers of Quebec supported the Bill... the Association reported that in a recent representative survey in the Montreal area of workers in bars where there were VLTs, 90% of the workers supported removal of the machines from bars. Another survey found that 70% had the same view. The Association also noted that the proximity to VLTs had a negative impact on some of the staff's own gambling, and also led to significant stress when employees had to deal with distraught players.

Furthermore, a survey by Canada West Foundation reported that:

—of the 2,200 Canadians consulted, 70% agreed with the statement that video lottery terminals should be limited to casinos and racetracks, with one half of the respondents in strong agreement.

This bill has come to us from the Senate under the authorship of Senator Lapointe, a senator who has won the respect and admiration of Quebecers and Canadians. This bill strikes at the heart of a major social problem: video lottery terminals. This bill would not prohibit VLTs; rather, it would restrict them to specific locations. Gambling is still legal, but it needs to be better controlled. We are particularly concerned about the accessibility of slot machines, which are often located in poor neighbourhoods.

Earlier, I was talking about young children and families who suffer because of gamblers' bad habits. For most of the people who engage in this type of gambling, it is very like a drug. Once they start playing VLTs or slot machines, it is just like a drug. People go back to it again and again and develop an addiction. Sadly, I have seen people lose entire paycheques to these machines.

In closing, I would like to ask all of my colleagues in this House to vote for Bill S-211 and to send this important issue to the Standing Committee on Justice and Human Rights to clarify its scope so we can achieve the expected result.

[English]

The Acting Speaker (Mr. Andrew Scheer): The time 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

• (1830)

[English]

MARRIAGE

The House resumed consideration of the motion.

The Acting Speaker (Mr. Andrew Scheer): At the time we started private members' business, the hon. Minister of Public Safety had three and a half minutes left for questions and comments. The hon. member for West Nova.

Government Orders

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, the minister in his comments made a lot of the free vote and chastised other parties for not having very many free votes.

However, I remember when this was before the House in bill form—which is what a responsible government does, bring forward bills—and not too many on his side voted their conscience. I know that the member for South Shore—St. Margaret's did and I do not see him on the cabinet benches. Another member did and was chased out of the party. Since I have been in the House and since that party has been in government, I have not seen too many free votes.

I think we remember that last week one member of cabinet could not vote with the government on a motion, not even a bill but a motion, and had to resign from cabinet. It seems that for every bill that has come to the House, all the Conservatives have voted the same way.

Perhaps the minister can explain it to us. Are they whipped bills or is it that everybody thinks exactly the same way on that side of the House? If they do, I would go back to Senator Benson, who said that when two people think exactly the same way, only one is doing the thinking.

Hon. Stockwell Day (Minister of Public Safety, CPC): First, Mr. Speaker, I would amend that last proposition; I do not think it is even a corollary. I have seen cases where two people have thought the same way on one issue and they have both been wrong, so neither of them were thinking. That can happen also.

I am talking about this particular motion before us. I am talking about the definition of marriage. I am talking about the fact that I think all of us would agree that in terms of a cultural and social change this is the most significant one we have ever seen in our lifetime.

On a matter of such great import, the Prime Minister quite rightly recognized that this is an area that can affect people's consciences and religious beliefs and can affect people who do not claim to be people of faith but who still have some very strongly held views about this. It is such a huge change, with implications which we cannot even fully comprehend yet, that it should be a free vote. That is what I am talking about, not a host of other votes on other issues. I am talking about this key issue.

As for the fact that a former federal leader would have kicked somebody out of his cabinet on that particular issue when the man just wanted to say that he believed in defining marriage as between a man and a woman, we have people in our cabinet who have taken a different view from the Prime Minister on this. We will see that manifested, I am sure, when the vote comes.

The fact of the matter is that our Prime Minister believes in democracy and is allowing a free vote on this. The new leader of the Liberals came out very strongly and said he was not going to allow a free vote. He appears to be a man who is able to listen to reason. He changed his mind on that just recently and I am pleased at that.

As I have already said, the leader of the NDP stripped a caucus member of her responsibilities. He said that he was glad she was staying silent when she wanted to speak. As well, the leader of the Bloc is not letting people vote freely on this.

Those are just the facts of the matter. I think it is a travesty of democracy on such an important issue. It should be noted that on this particular issue there is no monolithic view in any one particular community. In the heterosexual community, there are those who think the definition of marriage should be retained as between a man and a woman, but there are also others in the heterosexual community who do not think that.

In the homosexual community, there are those who think the marriage definition should be changed, but there are others, some of whom have lobbied me, who say that we should not change the definition of marriage—

The Acting Speaker (Mr. Andrew Scheer): Resuming debate. I apologize to the Minister of Public Safety, but we do have to keep moving. The hon. member for Etobicoke—Lakeshore.

[*Translation*]

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, I rise here today to speak out against this motion. A significant number of Canadians have enjoyed the right to same sex marriage. However, if a bill were to result from this motion, the legality of their marriage would be based on whether it occurred before or after the arrival of the Conservative government. This would create a serious inequality between two equivalent categories of Canadians. If a bill were to follow, an additional inequality would arise between heterosexual couples and same sex couples, namely, the right to describe themselves as married.

I went into politics to reduce the number of inequalities between Canadians, not to increase them. For this reason, I will vote against this motion.

● (1835)

[*English*]

I do want to address some of the issues raised by my right hon. colleague across the way and not preach to the converted. He has urged us to address each other in a civil manner and I certainly want to do that.

Let me address some of the arguments made by those who are in favour of the motion.

There has always been this contention: why can gay couples not be satisfied with equality of rights under civil unions? Just leave us, us heterosexuals, the definition of marriage as between a man and a woman, people say, and we will allow them the civil equality of civil unions.

The point very simply is that equality of civil unions and equality in civil unions withholds the right to call oneself “married”, and that right to call oneself a married person is of intense importance in terms of respect.

Respect seems to me to be what is fundamental here.

We care about equality of marriage rights because we care about equality of respect and because we believe we want to confer equality of respect on all our fellow citizens, some of whom are our neighbours, our friends and our colleagues. I cannot see how we confer equality of respect to our fellow citizens unless we accord them full equality of marriage rights.

Government Orders

I think the second question that then follows, and it follows directly from the comments made by my right hon. colleague, is that if we are according respect to one side of the debate, should we not accord equal respect to the other side of the debate, to those who believe that the definition of marriage should be restricted to a man and a woman?

I believe emphatically that equality of respect is called for here. I believe that this side of the House and those of us who support full equality rights to marriage for persons of the same sex do not want to withhold respect from the other side of the debate in any shape or form. Moreover, that respect, the basic respect to people we disagree with, is mandated by rights, freedom of expression and freedom of religion, rights which I value I think as much as any other member of the House and certainly I value in exactly the same way that those who disagree with me value them.

But then the question becomes, if both sides of this proposition must be treated with equality and have equality of respect and equality rights, then the difficult question, the core question, is, which rights must prevail? That is the question to which my side of the argument or this side of the argument must give a clear answer.

The proposition we would make is that those demanding equality of marriage rights should prevail because the loss of their claim is a real loss: they cannot call their union a marriage in law. Whereas those who oppose that definition lose nothing: their right to oppose remains intact and their right, the religious right, to withhold the solemnization of marriage is protected.

That is, those religious groups who do not want to solemnize marriages between people of the same sex retain the right to withhold that solemnization. Their rights are respected. The people who lose in a situation in which we withhold full equality of marriage rights to our fellow citizens are gay couples who deeply value the respect that that accords them as Canadian citizens.

My sense of this issue is that we are talking in fact about how to manage disagreement in our society. I think that is a common theme in this discussion. I feel that we have to manage respect by respecting the rights of those who disagree, but we cannot take action which withholds the practising of respect from any groups of citizens in our country. I feel that the attempt to restrict marriage to a man and a woman withholds a fundamental form of human respect and a fundamental human right from a category of our citizens. For that reason, I will vote against it.

I also disagree profoundly with the intentions behind this motion, because instead of uniting Canadians on what I believe is now a settled question for most Canadians, this motion will set one group of Canadians against another. I feel in that sense that it is playing politics. We play politics in this House every day of the week and politics is a very respectable profession, but there is a way of playing politics, and there I am going as far as I can.

● (1840)

We are politicians and we play politics, but there are some things, I would conclude, that should go beyond politics. Among them is the right of all Canadians to full equality, both in rights and in respect. That should, in my judgment, go beyond politics.

I am committed to that proposition above all, I think, that we are in politics to accord full respect to all Canadians regardless of sexual orientation, and that to deny that puts us in a situation where we begin to play politics with rights in a manner that we will come to regret, simply because it brings the process and processes of politics which we practise in this House into disrespect.

Therefore, on those grounds, I will vote against the motion.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, I would like to put a sincere question to the member opposite. No doubt he is aware of the fact that in another country, and in fact the country in which the Liberal leader also has citizenship, the country of France no less—he has citizenship here, he has citizenship there—there is what is called a *pacte de solidarité*. France did not change the meaning of marriage. It did not tamper with that, but it had this other registration that could be done for people in a homosexual relationship and for people in various other relationships as well.

France drew some rather different conclusions and came to a rather different acceptable result, honouring and safeguarding the rights of all French citizens, so I would ask respectfully if the member agrees with that approach, the approach taken by a country that is near and dear to the hearts of many people in this place, a country of which the Liberal leader, the member's colleague, is a citizen as well.

Mr. Michael Ignatieff: Mr. Speaker, I think the question of the citizenship of origin of the leader of this party is not relevant to the question, but I will address the issue raised about *pactes de solidarité*.

My view of that matter is simple. The claim the gay citizens of our country are making is that they cannot have full entitlement to respect and they cannot consider themselves fully equal citizens of this country unless they have a right to marriage, pure and simple, and that anything that creates a *pacte de solidarité* or a civil union does not meet the test of full equality and full respect. I accept that claim.

I respect the point being made here, but I think it does not meet the claim. It does not meet the demand of our fellow citizens to equality of respect and equality of rights.

Mr. James Rajotte (Edmonton—Leduc, CPC): Mr. Speaker, first of all I want to commend the member opposite for the tone in which he spoke this evening. I think it is very respectful. I certainly appreciate it.

I do want to ask him, though, about some of his arguments. He talked about same sex marriage being a fundamental human right and he talked about fundamental human respect. He wants full equality and full respect, but then he also says that religious communities will have or do have rights, presumably under section 2 of the charter, to not solemnize same sex marriage.

If we take the member's argument about it being a fundamental human right with fundamental human respect, I do not see, if we accept that argument, how religious communities can be assured that it will not be used to override the right of religious faiths to not solemnize same sex marriages.

Government Orders

I would like the member to address that on the human right side. If we follow the logical extension of his argument, I think the concern is that this would in fact override the rights of religious communities to not solemnize same sex marriages.

Mr. Michael Ignatieff: Mr. Speaker, I have tried to argue on the basis that we have to have clear grounds as to how to balance rights. I am trying to describe a respectful position in which we take very seriously the religious rights of groups who feel they cannot, in accordance with their conscience and in accordance with holy law and in accordance with whatever they choose, solemnize marriage. To the degree that it is a question about my personal opinion, I would stand very strongly against any attempt to coerce or deny that right to a religious group.

As I said in a response to an earlier comment, this is about how Canadian society manages disagreement on ultimate questions. Any serious politics of human rights has to give very clear grounds as to why one set of rights might trump over another. I have tried to say that the equality claims of gay citizens is so important that they must have the right to claim equality in marriage. I am very strongly of the opinion that if that is true, it is extremely important for fellow citizens of an opposing opinion, especially those in religious communities, to be able to withhold solemnization of marriage and that the law should never be used to coerce them.

To the degree that this is a personal opinion, and we are talking about deeply held moral views, it is vital to the civility and harmony of our society that no coercion be exercised against a religious group that as a matter of conscience and religious doctrine does not want to solemnize marriage. In other words, my position is an attempt to find a balance of principles, an equilibrium of principles, that would allow us to manage disagreement in our society in a civil manner.

• (1845)

[*Translation*]

Hon. Josée Verner (Minister of International Cooperation and Minister for la Francophonie and Official Languages, CPC): Mr. Speaker, like a number of my colleagues in this House, I would like to take part in the debate on the following motion:

—That this House call on the government to introduce legislation to restore the traditional definition of marriage without affecting civil unions and while respecting existing same-sex marriages.

Many Canadians must be wondering why it is important to consult this House again on this issue. After all, less than two years ago, this issue was debated and voted on in this House, in the form of Bill C-38, the Civil Marriage Act. At that time, Parliament passed a law defining marriage as follows:

Marriage, for civil purposes, is the lawful union of two persons to the exclusion of all others.

This definition of marriage includes same-sex unions. As I had not yet been elected at that point, I can express my opinion on this issue today.

First, I would like to say a few words about the motion itself. It is important to point out that the motion will not change the definition of marriage. It seeks simply to ask members whether they want to reopen the debate in order to develop a bill to restore the traditional definition of marriage.

The members of this House have two choices when they vote this week on this motion. For those who support the traditional definition of marriage—the union between a man and a woman, which excludes all same-sex couples—the choice is to vote for the motion. For those who believe that the definition of marriage goes beyond the traditional definition and includes same-sex couples, the choice is to respect the existing law on civil marriage and vote against this motion.

I want to respect the current law, which is in line with my personal values and protects the fundamental rights of Canadians.

I am convinced that we do not have to amend this law, because it still respects the traditional definition of marriage.

I, myself, have been married for more than 25 years. I am the mother of three children and I believe that this act in no way undermines the importance of my union and the solidity of my family. I sincerely believe that the Civil Marriage Act continues to enable all heterosexual couples to marry, as they have done for a long time. The current legislation enables same sex couples to benefit from the same right.

The real question that needs to be asked is this: does the government have the moral authority to decide whether two people, a man and a woman, or same sex partners, can be legally united? In my opinion, the answer is clear and simple: two people who want to live together within a civil marriage, regardless of their sexual orientation, must be able to do so without the interference of the State.

I am one of those who firmly believe in the separation of church and state. In my view, one person's religion must not become another person's law.

While the debate deals with a motion that was tabled by the government, I want to emphasize that the government has taken no position on this question. Unlike the previous government, all members on this side of the House, including ministers, are free to vote according to their conscience. In that regard, I must severely criticize the Liberal government for having presented that legislation to the House without allowing a truly free vote on such a sensitive issue.

I am proud to belong to a government that believes that matters of personal conviction should be decided by a truly free vote. As a minister in this government, I feel privileged to be able to express my views on this issue and to vote freely on the motion tabled by this same government.

In closing, I congratulate the government for allowing members of this House to express their points of view of in a spirit of mutual respect.

I take this opportunity to inform the House that I do not wish to reopen the debate, that I intend to respect the current legislation on civil marriage and, consequently, I will be voting against this motion.

• (1850)

Mr. Michael Ignatieff (Etobicoke—Lakeshore, Lib.): Mr. Speaker, I was very pleased to hear the moving speech given by my hon. colleague.

Government Orders

Yet, what would she do if her government—the government of which she is a member—were to introduce a motion redefining marriage?

Her remarks seem to suggest that the government is expecting the motion to be defeated. Yet, proposing such a motion implies the prospect of introducing a bill. I would like to know her opinion on the need for such a bill. Based on her speech, she would have to vote against it.

Hon. Josée Verner: Mr. Speaker, I repeat once again for my hon. colleague across the floor that this side of the House will address all matters relating to personal convictions through a free vote, which is not the case on the other side of the House and was not the case in the past. These are sensitive issues and I must reiterate that my government allows me to express my opinions and to vote based on my personal conscience.

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, in my opinion, the minister is mistaken. A number of votes have been free on this side of the House, on the opposition side. Tomorrow evening's vote will also be free. The vote on Bill C-38 was a free vote. Members could vote as they saw fit. The ministers should vote in solidarity and such has been the case for all the bills proposed by the government during this session, including the highly important motion recognizing Quebecers as a nation within Canada. Some said this had important ramifications, but did not say what they were. But they did say that it was very important.

Was this a free vote? No. A minister even had to step down over this issue. It is completely in line with parliamentary tradition for the former government to have called for cabinet solidarity when it introduced Bill C-38. That is what this government has been doing since the beginning of the parliamentary session.

• (1855)

Hon. Josée Verner: Mr. Speaker, I am far from agreeing with what the hon. member just said in this House. On matters of personal conviction, hon. members on this side of the House, including the ministers, can express their views freely, can debate freely and vote freely.

Now, as far as the Quebec nation issue is concerned, I want to remind hon. members that as a Quebecker, I am particularly proud that the members on this side of the House voted in favour of a gesture expressing openness and reconciliation in the interests of national unity. The previous government required and forced its ministers to vote on personal issues. For some of them, and we all know it, this went against their convictions.

Hon. Robert Thibault (West Nova, Lib.): Mr. Speaker, I would say to the member that the motions they are putting forward in this House will not promote openness or unity, either in the country or in the House. This motion is very divisive.

[*English*]

The motion that is put before the House today reads:

That this House call on the government to introduce legislation to restore the traditional definition of marriage without affecting civil unions and while respecting existing same-sex marriages.

What is this? The government does not agree with Bill C-38 which became the Civil Marriage Act. The Conservative Party did

not agree with it when it was put before the House. There were a few very courageous people on the Conservative side who voted with the Liberal government at that time to pass the bill. The Conservatives did not agree with it. They know, as I do, that it is very difficult to change. Rather than have the courage to do what the government should do and propose a bill, the Conservatives have proposed a motion.

I will make the government and the Prime Minister very happy because I will vote against this motion, which is exactly how the Conservatives want us to vote. They do not want this motion to go through. The Conservatives know that if this motion went through, they would have to go to the next step. They would have to put a bill before the House and they have already said that they will not.

The primary responsibility of a government is to put before the House a bill that is constitutionally valid. The Conservatives know that they could never get the Department of Justice to recommend that a bill which reinstates the traditional definition of marriage without using the notwithstanding clause is constitutionally valid. They would have to fire everyone and hire again. They are not above that, but I do not think they will. They will not do that.

I do not believe that reopening the debate would change the outcome. The process would be harmful to many. The House has spoken. This issue has been debated at length and Canadians have made up their minds on this matter.

The Conservative motion is disrespectful of the democratic process and undermines the charter, the very principles upon which our political system operates.

Legislation to amend civil marriage has been before Parliament since 2003. It has been considered by parliamentarians since 2002. Draft legislation was referred to the Supreme Court of Canada, I believe in 2003. The matter was debated at length in the House of Commons and was sent to the Standing Committee on Justice and Human Rights, where we heard countless hours of testimony from expert witnesses on all sides of the issue.

Parliamentarians had the opportunity to speak at length on this issue. We have had a full, open and honest debate.

In June 2005 I voted in favour of the current law at third reading. My decision to support Bill C-38 was not made lightly. This has been a very difficult issue for many Canadians, involving deeply held personal and religious beliefs and convictions.

I made my decision after hearing from many of my constituents on both sides of this issue and participating in hours of debate here in the House of Commons.

One of my earliest concerns, echoed by many of my constituents, was that the same sex marriage bill would compel religious officials to perform marriage ceremonies that are contrary to their beliefs. Our current legislation affirms the charter guarantee of religious freedom and has been guided by the ruling of the Supreme Court of Canada.

Government Orders

The Supreme Court has declared unanimously that the guarantee of religious freedom in section 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.

Religious leaders who preside over civil and religious marriage ceremonies must and will be guided by their own beliefs. If they do not wish to perform marriages for same sex couples, it is their right to refuse to do so, plain and simple.

The charter is one of rights, but it is also one of freedoms. Ours is a secular society and the separation of church and state is the strongest protection of our freedom of religion. The government does not dictate the terms of our beliefs, nor does it attempt to control religion.

The current same sex legislation is about civil rights, not religious marriage. The same sex civil marriage law is accepted as law in eight jurisdictions across Canada.

● (1900)

My job as a parliamentarian and legislator is to protect the rights of each and every Canadian and defend the charter in its entirety. The charter was enshrined to ensure that the rights of minorities, regardless of their numbers, were never subjected to the will of the majority. We must not shirk that responsibility.

The Prime Minister, on the other hand, has demonstrated that equality rights are not a top priority for his government. When the Conservatives eliminated the court challenges program, they stripped minority groups of the ability to challenge legislation that infringed on their rights.

The court challenges program provided financial assistance to individuals and groups who were pursuing legal action to advance language and equality rights under the Constitution. The right to same sex marriage is one of the issues that have been brought before the Supreme Court thanks to this valuable program. People objecting or seeking their rights under religious beliefs had the same access to that program when it was funded.

The Conservatives have sent a message that financial resources are a factor in determining the extension of charter rights. This is unacceptable.

In December 2004 the Supreme Court ruled that same sex couples have the same right to civil marriage as do opposite sex couples. The current government wishes to reinstate the traditional definition of marriage, but it would serve no purpose to legislate a definition of marriage that is not consistent with the charter, because it would be overturned by the courts.

The Prime Minister has stated that he would not use the notwithstanding clause to bar gay marriage, but constitutional experts tell us that new law can only be passed if the clause is invoked.

As I see it, this is a disingenuous motion aimed at keeping an election promise to Conservative supporters. I have said to my constituents, and I will repeat it here, that the only time I would support in such a matter the use of the notwithstanding clause would

be to defend the rights of the independence of the church, should they ever be attacked. The Prime Minister is again pandering to his base. We saw it this fall with the \$2 billion cuts to our valued social programs. Even worse, he is using a deeply sensitive and divisive issue to do so.

The bottom line is that the definition of marriage has already been changed. It is now a matter of overriding a right that is guaranteed by the charter, a right that is already in place. The issue is not whether rights are to be granted; it is whether they should be taken away. Our rights cannot be subject to political whim.

More than 12,000 gay couples have wed in Canada since same sex marriage was legalized last year. Furthermore, Bill C-38 made universal across Canada a law that is already accepted as law in eight jurisdictions, including my home province of Nova Scotia. In September 2004 the Supreme Court of Nova Scotia ruled that same sex civil marriage was legal in our province.

The charter is a living document and must evolve and reflect the changing nature of society. As we are well aware, it was not until 1929 that women were finally declared persons under the law in Canada. This historic decision established a principle of understanding that justice requires judges to consider an evolving social context when interpreting the law. Lord Sankey of the Privy Council said it best:

The exclusion of women from all public offices is a relic of days more barbarous than ours, but it must be remembered that the necessity of the times often forced on man customs which in later years were not necessary.

Canada is a progressive and inclusive country that values the rights of individuals. Our laws must reflect equality as we understand it today and not as we understood it decades or centuries ago. Canadians have spoken on this issue and democracy has prevailed. The Conservative government must stop playing politics with our rights and move forward, not backward, on an issue that has been thoroughly examined, debated and passed through this House and the Senate.

In summary, what we are debating here today is not changing the current definition. That is done by a bill, an act of Parliament, that is presented either by the government or by a member of Parliament as a private member's bill. It is debated in this House of Commons. It goes to committee. Experts can come and testify. Individuals with concerns can come and testify. It gets more debate at third reading. It gets three readings in the Senate. We have gone through that process.

● (1905)

This is a motion intended to divide Canadians, to divide members of the House and not change the status of laws in Canada.

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, I am a Conservative member of Parliament. I voted in favour of same sex marriage last year. I will be voting essentially in favour of same sex marriage again on this motion.

Government Orders

On the issue with which my colleague ended his speech, talking about creating divisions, most of my colleagues disagree with me on this question. I would go to war in order to fight for their right to disagree with me on this question. I know they disagree with me but they respect my right to have my view, because they know that I believe in strong families too and I believe in civil rights too. I know that they believe in strong families and they are coming at this from a decent, respectful, honourable position. Honourable people with decent and good intentions can honourably disagree about difficult questions. That is why we have always had a free vote on this question.

My colleague opposite and I agree on this question. His party had to be arm wrestled by the media in order to actually come to the position of having a free vote. His colleague sitting in front of him, the member for Thunder Bay—Superior North, had to resign from cabinet in order to be able to vote his conscience. How responsible is it for the Liberal Party to force people to resign their seats, wrestle with themselves, vote against their constituents and their consciences on an issue as important as this one?

He gets up in his place in the House and says that anybody who disagrees with him is essentially un-Canadian and does not respect the charter and civil rights. If we are going to go forward as a country and have these kinds of honourable civil debates where decent people can honourably disagree about important questions, that kind of language has to stop.

Hon. Robert Thibault: Mr. Speaker, I know the member is too intelligent to believe half of his own argument.

Number one, I agree with him completely on the rights of people to disagree. There is more than one view on this matter. The point I make is that it has gone through the courts. It has been decided in eight provinces. It was referred to the Supreme Court of Canada.

On the question of the member for Thunder Bay—Superior North, as a minister he did the honourable thing. He did not agree with a key piece of legislation proposed by his government. He wanted to vote against it and he did, as the former minister of intergovernmental affairs in the Conservative government did last week, but that was not a piece of legislation; it was just a motion that the government was putting forward. He did not agree and was forced to resign. He could not vote his conscience. He had to stay behind the curtains; he could not come in. He said that on TV. He had to stay away because everybody was forced.

On the question of what I believe and what the member believes about the original legislation, we believe the same things. We both voted the same way. I believe in the rights of individuals, members of Parliament and the public to disagree with my vision. That is freedom of speech.

If the government wants to change that legislation and wants some real debate in order to change the act, it is the government's responsibility to bring forward a bill, have a debate and then let Parliament make a decision in the traditional manner. Bringing it forward as a motion is a divisive political tool being used by the Prime Minister to create problems in the House of Commons and with the public of Canada.

● (1910)

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, it is a privilege to address this motion. I believe the issue of traditional marriage is of crucial importance to all Canadians.

Since my election to office in January, there has been no other topic that has generated such a constant flow of mail, email, telephone calls and face to face dialogue as the issue of marriage.

I am relieved to say that finally the voices of Kitchener—Conestoga will be heard. The people in my riding have spoken clearly. I am proud to finally be the voice of Kitchener—Conestoga. In the spirit of being that voice, let me take some time to speak from my heart. Let me share some of my deeply personal beliefs and convictions about the merits of reopening the debate on traditional marriage.

Some people would want us to believe that traditional marriage is something about which Canadians have forgotten. That is simply not true. In fact, nothing could be further from the truth. Canadians care deeply about this issue. It may be an issue that members of Parliament would like to put behind them. It may be an issue about which special lobby groups would like to see us forget. However, let me clear, it is an issue Canadians are not going to abandon.

I have been serving as an MP for less than a year. In that time over 1,000 constituents have taken the time to write me a letter, or pick up the phone, or stop me on the street, and they say quite clearly, "I care about traditional marriage".

I have been asked about this issue by young married couples who are raising children. These families are deeply concerned about their children and future grandchildren if the traditional family is abandoned.

I have personally met with young people. These are teenagers and young adults. They are contemplating marriage and have taken the time to come to me and tell me that they are concerned about the future of our country. They come to my office and thank me for not turning my back on them. They thank me for giving them a voice. These young people want to see the definition of marriage protected as the union of one man and one woman to the exclusion of all others. Young people of Canada know this: strong communities are built on strong families and a strong Canada is built on strong families.

It was not very long ago that a resolution came to the House on the issue of marriage. And it was in this very House less than eight years ago in June of 1999 that we agreed that marriage would be defined as "one man and one woman to the exclusion of all others". The vast majority of members in this House voted in favour of that resolution. In fact, I can look across the floor into the eyes of my colleagues who stood up and said that marriage should be defined as one man and one woman to the exclusion of all others.

However, as members will know, in June 2005 there was a hasty adoption of Bill C-38. It is my deeply held personal belief that many members decided to turn their back on that previous commitment. They turned their back on their constituents and they turned their back on the Canadian people. Bill C-38 was rushed into law, but the bill did not have the benefit of complete debate.

Government Orders

The Standing Committee on Justice and Human Rights had conducted hearings across Canada, meeting with hundreds of Canadians from coast to coast. The committee spent untold hundreds of thousands of taxpayer dollars, 465 witnesses appeared, 250 briefs were presented and thousands of letters were received.

Unfortunately, all that work and effort was ignored. All that input was never compiled into a report and presented to Parliament. In other words, the committee hearings were nothing more than a sham and they deceived Canadians by allowing them to think that they were part of an important national debate. If democracy is to be well served on a matter of such fundamental importance as marriage, then we need to know the views of Canadian citizens.

The issue before us today and the vote tomorrow is not a vote on traditional marriage, but it is a vote to allow debate on traditional marriage. While I personally continue to favour a traditional definition of marriage, I think it is a travesty that we could turn our back on having an open debate on this subject. Democracy deserves no less.

My request, and the request of millions of Canadians, is for Parliament to reopen this debate so the report can be tabled and Canadians can all have real input on this important matter. Thousands of taxpayer dollars were spent conducting these hearings. Therefore, in the interest of wise stewardship alone, we owe it to all Canadians to have this work completed. However, there is much more at stake than simply getting good value for money in having this report tabled.

• (1915)

Another key factor to consider is the fact that many members were not given their free vote on this important issue. If my current information is accurate, it appears that the so-called New Democratic Party will not allow democracy within their own ranks.

Over and over, Canadians have been given a hollow promise that their individual rights will not be trampled and that no one will be forced to act against their own conscience or religious beliefs.

Does it not seem ironic that in the very place where those hollow assurances originate, in the House of Commons of Canada, that this core individual right is denied to individual members of Parliament? How can we reassure Canadians that their values, their individual rights and their religious convictions will not similarly be trampled?

It is true that Bill C-38 was enacted into law, but does it follow that this law is never open to further scrutiny? I know every member of the House understands that the practice of periodic review of legislation is simply good government practice. I believe any governing body has an obligation to review and revise its policies from time to time. Do we not owe it to our constituents to ensure that the law of the land is achieving its intended goal? Do we not have an obligation to allow parliamentarians to vote in a way that truly reflects the spirit of leadership we bring to this position? If Bill C-38 introduced worthy legislation, why would we not allow a full and open debate? Let the law be examined on its merits, good or bad.

There are simply too many factors that were overlooked and ignored in the previous government's haste to rush this legislation. There are too many questions that still face the House. Yes, we can

choose to ignore those questions again, but just because we choose to turn our back on them does not make them go away.

There are questions that remain unanswered. Have other jurisdictions experienced any negative consequences from implementing similar legislation? If we turn our back on this debate, we will never know. Did we consider the potential consequences for all segments of society in our haste to change thousands of years of traditional marriage? Did we overlook the needs of the most vulnerable among us, young children? Unless we have a full debate, we will never know. We have an obligation to examine the facts before we make decisions.

The issue of human rights has been raised as the reason that we cannot deny same sex couples the right to marry. If we are to speak of rights in the House, we need to include the rights of children.

The UN Declaration on Human Rights specifically states that the rights of children must take priority over the rights of adults because they are more vulnerable and require the support of the state.

Multiple studies have taken a good hard look at the impact of traditional marriage on childhood development. Yet, unless we vote to reopen debate on this issue, the House will never have an opportunity to consider what those studies say.

The debate over traditional marriage should be a debate about rights, I agree. However, in the blind dash to put a patchwork of rights together, have we ignored the rights of children? Again, let me make a direct appeal to my fellow parliamentarians. For the sake of future generations, for the sake of our country, let us remember the children.

I do not want to stand in the House and have young people come to me in 10 or 15 years and say, "You turned your back on us". I cannot allow that to happen.

The responsibility of any elected official is to represent the views of their constituents. The people of Kitchener—Conestoga have spoken very clearly. They have spoken repeatedly. They want to open the debate on traditional marriage.

As I walk through the streets of Breslau, New Hamburg, Wellesley or St. Jacobs, constituents come to me and thank me for finally giving them a voice. As I sit in my constituency office in Kitchener, people will call me or drop in just to express their support of traditional marriage. As their elected representative I am asking: let us have an open and honest debate.

Canadians expect an open and honest debate, followed by a truly democratic vote, not a whipped vote by an autocratic party leader determined to satisfy special interests. The House of Commons, the highest pinnacle of democracy, deserves nothing less.

We need a debate to review the impact, not just on people who wish to marry but one that also reviews the impact of that decision on the most vulnerable among us, our children.

Again, my request is simple and clear. For the sake of democracy, for the sake of our children, for the sake of future generations and for the sake of the future of our country, let us have a full, open and honest debate.

Government Orders

• (1920)

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, the tone of the debate seems to have greatly improved from previous times when we discussed the rights of homosexuals and lesbians. Maybe it is a sign of things to come, and I certainly hope so because there are some very hurtful statements in the record of previous Parliaments by the Conservative Party.

The member said that we should have a free and open debate. We had a free and open debate. I live in the community next to the member. He knows that he did not receive a mandate in the last election to reopen the same sex marriage debate. All he has to do is look at the totality of the number of votes he got and compare it to the totality of all other votes for members who happened to believe in this issue.

I understand my friend, the member for Cambridge, has similar feelings on this issue as the member for Kitchener—Conestoga, but I got a higher percentage of votes than either one of them, and my position has been very clear, as the member knows. I know the member for Cambridge does not like hearing the truth.

However, let me put a question to the member opposite because this is an important issue. The question is fairly simple. Would the member use the notwithstanding clause to reverse the issue?

Mr. Harold Albrecht: Mr. Speaker, I am so thankful the hon. member finally got to the question. I was worried for a while that I might not get a chance to respond.

I simply want to ask the member this. If we had a full, open and honest debate, why did Parliament not allow the Standing Committee on Justice and Human Rights to table its report before it rushed into the debate? Why did it not take time to at least have the report compiled and tabled in Parliament so it could make an open decision?

In addition to that, if we want an open and honest debate and a free vote, why did the member opposite not pressure his leader to allow all government members to vote openly and freely on the debate last time?

Hon. Joe Comuzzi (Thunder Bay—Superior North, Lib.): Mr. Speaker, let me compliment the member for Kitchener—Conestoga who spoke very eloquently of his personal concerns about the legislation. I was sitting here thinking his speech very much resembled a speech I made several years ago. As my speech defied logic in certain areas, I am sure his is subject to the same scrutiny.

You, Mr. Speaker, have been here much longer than I, but I think I followed behind you. Could you tell me, through the member for Kitchener—Conestoga, when was the last time a governing party asked for permission to bring legislation before the House of Commons? That is an unfair question because of the member's short tenure in the House, but maybe the Speaker—

The Deputy Speaker: The hon. member for Kitchener—Conestoga.

Mr. Harold Albrecht: Mr. Speaker, I certainly defer to the elder statesmen among us. Together they probably have more years of experience in the House than I have on this earth. I value that wisdom very much. I have been so richly blessed to be a new

member of the House and to have many members from all parties afford me their wisdom and advice.

I cannot answer the member's question on that issue. I will simply respond that the Prime Minister during the last campaign made a very clear commitment to Canadians that if this party formed government, it was committed to allowing its members to have a free and open debate and vote on this issue. This is simply an effort to follow through on the party's campaign promise, something we do in many other areas as well.

• (1925)

Mr. Mario Silva (Davenport, Lib.): Mr. Speaker, who among us would dare consider returning to a debate on the rights of women in our society or the rights of visible minorities? I speak with confidence when I say that I doubt anyone here would even consider such a discussion valid or tolerable. Indeed, no such topic would ever be tolerable for debates anywhere in this country, and rightfully so.

The hard won liberties of so many Canadians are enshrined within our laws and engraved into the hearts and souls of our great country and yet today the government has chosen to return to a debate that should have long since ended and a reconsideration of rights not only hard won but even late in coming to gays and lesbians in this country.

On February 1, 2005, our former Liberal prime minister, the member for LaSalle—Émard, introduced a bill to extend to gays and lesbians the right to marry. In so doing, he, along with my colleagues and I in the Liberal government, began the final steps in what had been a very long journey for those seeking full and equal rights in this country.

What could be more fundamental than to have the right to marry someone who we love and care for and someone with whom we wish to share our lives? All the gay and lesbian community asked for was that the state recognize their union as it does the union of their fellow citizens. The answer is that nothing could be more fundamental than having the government send a clear message that its laws are a recognition of the importance of a stable and committed same sex relationship.

This equal marriage act was tantamount to declaring from the very heights of Parliament Hill, the very centre of our country, that no form of bigotry or intolerance would be considered acceptable toward any citizen of Canada for any reason.

[*Translation*]

For many years, before Bill C-38 on same sex marriage was adopted, gays and lesbians had to fight in court to have their right to equality respected.

When the Liberal government made a reference to the Supreme Court, the latter ruled that measures had to be taken to ensure that gays and lesbians be given the same treatment as other Canadians.

It was with courage, conviction and a deep sense of justice that the Liberal government and many members of the House of Commons took these measures in accordance with the opinion of the highest court of the land.

Government Orders

[English]

It is important and fair to recognize that as a result of court decisions some provinces were already embracing equality and allowing equal marriage. Eight of our provinces and one of our territories saw the reality of equal marriage even before the equal marriage act was passed.

In revisiting equal marriage, the government is not only casting an eye backward, it is attempting to move in a direction that is completely out of turn with the movement toward equality that has begun to take hold around the world. In bringing the motion before the House, the government is attempting to create two classes of citizens with two different sets of rights. It is clearly an affront to our democratic and equality based traditions as a country.

From the Netherlands to Belgium, from Spain to South Africa and, more recently, in judicial decisions in Israel, people across the world are beginning to deal with the injustice of laws that preclude equal marriage.

The Charter of Rights and Freedoms enshrined in our Constitution clearly identifies all Canadians as equal under the law. These are inalienable rights that simply cannot be sacrificed upon the altar of political expediency.

The right to equal marriage now woven into the very fabric of our nation's identity is not simply a concept to be negotiated between those fortunate enough to sit in this chamber.

We who share the same moment of life are called upon not to languish in the drudgery of petty debates about the equality of others but to rise to the soaring pinnacle that is wide enough for all of us to rest upon and then to cast our gaze across the beautiful landscape of human equality and the fullness of our human potential.

The equal marriage act was about fairness. It was and is about allowing all citizens to stand before their peers in equality. No citizen of this country should feel less than his or her fellow Canadian.

Those who would grab hold of the hands of time that have already marched forward and wrestled them back ought to summon even the most minute speck of empathy and, in so doing, bring a glowing light to illuminate the way forward for them and for us all.

My community is not unlike most of the communities that we here are honoured and privileged to represent in this House. There are those who in good conscience support equal marriage and those who have difficulty with the concept.

However, I believe very strongly that most of those I represent recognize the importance of the grand ideals in our Charter of Rights and Freedoms. They know, as I do, that the rights of those who seek same sex marriage need to be respected, as do the rights of those who, through religious convictions, do not wish to participate or support equal marriage. Our Charter of Rights and Freedoms also protects their religious beliefs and I can assure the House that I respect and demand for them the same protections under our laws that I call upon for gays and lesbians.

The equal marriage act was a milestone in the path toward full equality for gays and lesbians. It was a line in the sand drawn across the landscape of our history that announced to all Canadians and to

the world that intolerance and discrimination based on sexual orientation was now a part of our history where it so clearly belonged.

Our votes in support of equal marriage were very much more than an act to allow gays and lesbians to marry. When we supported the equal marriage act, we engraved into the essence of our country's soul a beautiful equality for those who had for so long been the target of marginalization, persecution and outrageous injustice.

The reality of the equal marriage act is that all Canadians have the right to have their loving relationships formally recognized. My partner of 12 years and I deserve the same rights as all other members of this House and all other Canadians.

Section 15 of the Charter of Rights and Freedoms states that "every individual is equal before and under the law...". It is my right and it is a right we all have and deserve.

In bringing forward this debate once again, the government rekindles the embers of inequality that have, for gays and lesbians, burned through their hearts and souls for far too long. I call upon my colleagues of all parties in this House to put out the fires of injustice, to extinguish the flames of intolerance and to bury the unseemly glow of inequality.

Let the light that shines forth from this House today be one of a warm embrace. Let us extend a welcome to all citizens of this great country to join together in equality and unity.

• (1930)

I ask all members to please join me in voting, not only against this resolution but for equality. We have no need to look to the past when the future holds such wonderful promise and immense opportunity for us all, equal and united in our common humanity and our common purpose.

When the sun finally sets on our individual lives, today will be remembered as an important day. In voting for equality, we will have invited all of us to live a meaningful and loving existence shared with those they love and among those who we have the honour to call our fellow and equal citizens.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I appreciate the perspective the member for Davenport has on this. I know he was here for the speech of the Conservative member who spoke immediately before him, the member for Kitchener—Conestoga. A theme of that member's speech was "the blind dash toward setting this legislation in the last Parliament". He talked about the undue haste that he thought the 38th Parliament had undertaken in its work on Bill C-38, the Civil Marriage Act.

As an openly gay man, I can say that the blind dash toward equality for gay and lesbian people in Canada does not seem like a very fast march to me. The 32 years that gay and lesbian people in Canada have worked to secure equal marriage rights does not seem like a very fast pace for those of us who have been fighting to see the full equality of our citizenship recognized and to see that we have equal access to key institutions of Canadian society like marriage.

Government Orders

I wonder if the member might comment on this supposed blind dash toward getting this legislation through the last Parliament. I hasten to remind him that 98 Conservative members spoke in the debate in the last Parliament. I think the Conservative Party had just over 100 members in the last Parliament.

We had weeks of hearings before the special legislative committee that was working on this. We often sat well into the night on that committee hearing from witnesses, a majority of whom raised concerns about the legislation.

Could the member comment on this supposed blind dash toward this legislation?

• (1935)

Mr. Mario Silva: Mr. Speaker, I must say that I have profound respect for the work the member has done to support equality for us all. When we talk about equality, it is not only about equality for gays and lesbians. It is equality for all Canadians. It is also a question of respect for all citizens in this beloved country.

The member is absolutely right in what he said but I would like to go a little further. We did debate this issue and every member of the House who wanted to speak had an opportunity to speak. Contrary to what the Conservative members opposite, who are now in government, have stated, which is that we rushed this through, there was in fact a full debate in the House and there were hearings.

At the end of the day, Parliament made a decision and it was respected by most Canadians. Canadians may not agree with everything that Parliament does but on issues of human rights, equality and the charter, at the end of the day when a decision is made in the House I am constantly impressed by the incredible tolerances shown in this country. The people of this country, by and large, do respect our laws, our Constitution and the charter.

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, earlier, the member referred to the Charter of Rights and Freedoms. I am glad the Leader of the Opposition, the new leader of the Liberal Party, seems to have changed his mind on this being a Charter of Rights debate to this being a matter of conscience and is now allowing his members to have a free vote. We are glad about that.

The member referred to the charter and the very first items listed in that charter are fundamental rights of freedom of religion and freedom of conscience. Is the member aware that the rights of Canadians have already been violated because of this redefinition of marriage? Some businesses have been fined and some marriage commissioners have been threatened? A teacher in British Columbia was suspended and fined for expressing his views on traditional marriage.

In as much as today's motion provides recognition for civil unions and for existing same sex marriages or unions, does the member see a problem with the type of arrangement that exists in other jurisdictions and other, shall I say, mature democracies like England where I note that Elton John recently celebrated a union which was not characterized as a marriage but as a civil union under England's legislation and yet had all the trappings of a marriage relationship, as it were, and they were celebrating and happy?

Does the member not feel—

The Deputy Speaker: The member has taken too much time. The hon. member for Davenport.

Mr. Mario Silva: Mr. Speaker, certainly, in the last few years there has been an incredible amount of thought given to the whole issue of civil marriage versus same sex marriages versus what in France is called a "pacte civil". This has been in discussion for quite some time. However, there has been a great deal of work on this issue from leading experts on human rights that this is something that is quite fundamental and is in fact a human rights issue.

If we look at country after country, whether it is Belgium, Spain, The Netherlands or South Africa, these are the arguments that have been espoused. In Canada, too, there has been a great evolution around this issue in the last number of years. We are now in a situation where those who argue against it are arguing also against human rights.

Mr. Gerald Keddy (South Shore—St. Margaret's, CPC): Mr. Speaker, having listened to much of the debate that has occurred so far this evening, I must say that there are a couple of points that I fail to understand. I fail to understand the point of view of individuals who feel that recognizing same gender civil marriage somehow threatens the traditional definition of religious marriage. I do not mix those two up and I do not understand the comparison.

At the same time, there has been much said from the official opposition that somehow we should not have this debate, that somehow, simply because there is a piece of legislation passed, Parliament has no right nor obligation nor responsibility ever to look at that issue again.

I would be of the mind frame that would rather we did not open this issue. I am not ashamed to say that. I quite believe in what I say. At the same time, for my colleagues who share my point of view, I would urge them to debate this issue on the merits of the issue, not on trying to characterize one party as being ideologically to one side or the other, or one party being right and one party being wrong but to actually debate the merits of the issue.

Can we debate the issue? Of course we can. We have the responsibility as parliamentarians to have a free, open and respectful debate in this House. I believe, quite frankly, we could do that if we strive to do that.

For me, the issue of same sex civil marriage is settled. It has been settled by the courts and it has been settled by the Parliament of Canada. It was publicly debated for two and a half years and in 2003 our justice committee from the Parliament of Canada held nationwide hearings. We debated this issue to the limit of tolerance in the House of Commons.

Previous to this debate, our provincial courts, the Supreme Court of Nova Scotia, the Supreme Court of New Brunswick, the Supreme Court of Ontario, the Supreme Court of Quebec and Yukon Territory had already recognized same gender civil marriage. Eight provinces and one territory in this country recognized same gender civil marriage before Bill C-38 was passed by the Parliament of Canada.

The Parliament of Canada had a responsibility either to recognize same gender civil marriage or challenge the lower court hearings at the Supreme Court. It chose not to challenge. The provinces did not challenge it. There was no reason to challenge it.

Government Orders

I think, with respect, that Canadians have already made their minds up on this debate. I believe Canadians are a generous and open society. I believe that at the beginning of this debate there was a lot of division. There was a lot of ignorance. There was a lot of intolerance. The good thing about this debate is that it has absolutely shelved a lot of that. It has allowed people of common spirit and good will to find a cooperative approach to this issue, to recognize the value in one another's points of view, and quite frankly, to move on in a positive way.

● (1940)

If only Conservative voters had been polled, I think we would have found a discrepancy. Perhaps the majority of Conservative voters were actually opposed to same gender civil marriage. However, if those same voters were polled today, as has been done, in Atlantic Canada in particular but in the country as a whole, it is now fifty-fifty. There are 47% of voters for and 47% of voters against same gender civil marriage. I would conclude that has changed. Through this bill, the debate and discussion around same gender civil marriage has become more open, more inclusive and more tolerant.

If we look in particular at Atlantic Canadians, 69% of them are opposed to re-opening this debate. That is from an Environics poll. That is not a poll that someone made up. That is a legitimate, open and important poll that has to be put on the record in this debate.

Allow me to be clear on a couple of issues. I keep hearing about the Charter of Rights and Freedoms. What does the Charter of Rights and Freedoms say? Subparagraph 2(a) of the Charter of Rights and Freedoms gives extremely clear and unambiguous protection for religious freedom. People who say differently, I would concur are using scare tactics. Churches, mosques, synagogues and temples in Canada will decide their own futures on religious marriage, as they should and as they have up to this point.

It is extremely important to mention that we have already had same gender religious marriage prior to passing Bill C-38 in Canada. There has been same gender religious marriage for years in the United Church of Canada and in some of the Anglican Churches in Canada. Parliament had an obligation to extend the same right that was protected by the right of religion to civil unions or civil marriages, and it did that as it had that responsibility.

The previous bill was timely and warranted. Not only that but it was a responsibility that Parliament had. I was surprised at the time. I have seen a lot of Liberal legislation come through the House and for the first time we had a bill that had real clarity of language, lacked ambiguity, and opened the door to an extension of tolerance enjoyed by all Canadians to a certain group in society when we recognized same gender marriage. Most importantly, at the same time there was clear protection for religious marriage because of the protection of the charter. We have moved forward in an important way.

Before closing I would like to say that I cannot agree that this motion would restore the traditional definition of marriage because, quite frankly, the so-called traditional definition of marriage is not, has not, and will not be threatened.

I believe that if this motion were to pass, it would immediately lead to a court challenge that would put this issue on the table for

years. What are we going to do with the 12,000 gay and lesbian couples who have already married in this country? How can we take a right away from them or provide a right to others that we cannot extend to gay and lesbian couples? It is very problematic.

I know firsthand the entrenched views of many people who would deny the right of civil marriage to same gender couples. Yet, I know there is a lot of tolerance in this country. Often I hear there is less tolerance in rural Canada and I frankly disagree with that.

● (1945)

I think rural Canada is even more tolerant than the rest of the country. We have a long and proud history of being tolerant of our neighbours and of other points of view. I will say in this place that we should extend that tolerance to all people in Canada.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I want to thank the member for his courageous stand in the last Parliament as well as his remarks tonight. He was one of the few members of his party who supported gay and lesbian marriage. I do hope he has more company this time around in the ranks of his fellow Conservative members when we vote tomorrow.

There is very little for me to quibble with in his speech, but at the beginning of his remarks he said that it was not inappropriate for there to be review of legislation, that it was appropriate for Parliament to undertake a review. I want to take him on a bit about that because I wonder why it is necessary now.

From my perspective, I do not see any crisis in marriage which would lead me to believe that kind of review is necessary. Also, I do not think it is something that we regularly do, especially when we have rulings and have made decisions on important equality rights and important human rights issues in this place.

For instance, I do not think we ever undertook a major review in this place of women's rights, nor do I think that would be appropriate. I do not think we did a major review of interracial marriage rights, nor do I think that would be appropriate. I do not think we did a major review of divorce legislation, for that matter, nor do I think that would be appropriate.

I would like to ask the member why he might concede that this kind of review is appropriate when it comes to my rights as a gay person in this country, when it comes to my right marry the person I love. Why does he think this kind of review is appropriate so quickly after we made that decision in the House?

● (1950)

Mr. Gerald Keddy: Mr. Speaker, I do not think that this is an issue of simply looking at one individual's rights. I think it is a much more complicated issue than that.

Certainly the member is well aware that the Prime Minister made an election promise that if the Conservatives were elected as government we would revisit this issue. We have kept our word on that.

The Prime Minister has also said that it will not be a whipped vote. This is a matter of social and moral conscience for people and they will have their social and moral compass to follow. I think that is the important issue here.

Government Orders

Quite honestly, with respect to what the member for Burnaby—Douglas has said, this debate in this House is positive and I think it is a balancing act between rights in this country. I agree that human rights are not on the table. I think we have settled that issue and I believe the House will settle the issue for sure and for certain after the vote.

I trust the Parliament of Canada. I recognize the importance of the Parliament of Canada. At the end of the day, I think the Parliament of Canada will once again do the right thing.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the motion before the House asks Parliament to call on the government to introduce legislation which would reinstate the traditional definition of marriage. There have been many legal opinions on the constitutionality of such a bill. I wonder if the member, in his preparation for making his remarks in this place, has been able to satisfy himself as to whether or not a piece of legislation could be tabled that would in fact be charter proof and constitutional.

Mr. Gerald Keddy: Mr. Speaker, as the member opposite already knows, I have been very clear in stating my position on this particular motion. I will not be supporting the motion. I think Bill C-38 as it stands will stand before the charter. I think it is constitutional. It has been approved and I think it will be reaffirmed by the Parliament of Canada.

Hon. John McKay (Scarborough—Guildwood, Lib.): Mr. Speaker, it is a privilege to participate in the debate tonight.

I think it is fair to say that pretty well everyone here is suffering from debate fatigue. I have been in Parliament since 1997 and this issue has been bubbling up in one form or another since then. It appeared in resolutions. It appeared on pension rights. I was part of the justice committee that travelled across the country and got our report usurped by the decision made by the Court of Appeal. Then, of course, it culminated in Bill C-38.

This issue does keep coming up over and over again. The votes have been, to varying degrees, whipped votes. That in some respects has skewed the results, leaving those who see marriage as I do, as being between a man and a woman, somewhat dissatisfied. Had the votes not been whipped, I would suggest that possibly the results might have been different.

The other reason that this debate comes up over and over again is a resentment on the part of a lot of citizens, including my constituents, in that they do not like the courts taking unilateral decisions and in effect usurping parliamentary authority on a rights-based analysis in what is ultimately a very complex societal issue.

I respectfully submit that this is not the way in which to get societal consensus. Since over the last 10 years we have been trying to get societal consensus on this—and possibly there is some movement—I respectfully suggest that whipping votes and having courts inappropriately usurp parliamentary authority is not the way to get societal consensus.

I note that other countries, those that have adopted same sex marriage, in fact have moved legislatively. They have not had to respond to particular court decisions, so it has been the initiative of the legislatures rather than the courts. I suggest that a fear of what the people might say or think is always a bad thing in a democracy.

I want to turn to the motion itself. I would describe this motion as a bit of a false hope motion. The Prime Minister made an election promise, or more accurately a half-promise, during the last election and got himself into a bit of a jam. He was repeatedly asked whether he would use the notwithstanding clause. An honest response would have been, of course, to say that he would, because in order to effect any real change, to effect an override on Bill C-38, we are going to have to use the notwithstanding clause. If there is anyone who has a legal opinion to the contrary, I would be interested in hearing it.

Unless there is in the motion itself a commitment on the part of the Prime Minister to use the notwithstanding clause, I would respectfully suggest that this is a debate that really is largely a rhetorical debate, with much sound and fury signifying not too much at all.

Simultaneously we have heard from a lot of people who are wrapping themselves in the charter. Generally they are the people who oppose the motion. My only comment to those who oppose the motion while wrapping themselves in the charter is that part of the charter is the notwithstanding clause. The framers of the Constitution, the framers of the charter, felt that there was a necessary override at times. That is the only way and the only basis on which those framers would allow a charter to come forward.

Essentially we have a debate between those who conveniently ignore the notwithstanding clause and a Prime Minister who will not say whether he will use it.

I would like to frame my views somewhat differently, though. As we know, a lot of politicians get criticized for being less than forthright, for constantly bobbing and weaving and taking somewhat different positions, and I can see why that is, because to take a clear and unequivocal position on an issue such as this is simply to be held up to public ridicule, in part, and no one likes to be ridiculed publicly.

So at the risk of painting a target on my head, here is what I believe. I believe that marriage is between a man and a woman, period. I do not think I can make it any shorter or clearer than that. I may have to be taken out to re-education camp, but nevertheless I still believe that.

• (1955)

I believe that marriage is between a man and a woman and it is the central institution in society by which society perpetuates itself. That is the core reason for marriage. It is the central bridging institution. It bridges between the genders and it bridges back into previous generations and it bridges into future generations. I take those as self-evident truths. That is the core reason for marriage.

And that is why society effectively builds up a legal, a cultural and even a religious net around the couple: because it has to. The laws and norms that are around the institution of marriage between a man and a woman exist to protect particularly the women and the children, who are products of that marriage or who enter into marriage, during their vulnerabilities and their dependency.

Government Orders

Effectively, the laws and the cultural norms, and even the religious norms, mean that a man cannot walk away from a marriage relationship without having the law and the culture impose this web of obligations and responsibilities on him. Similarly, we could say the same thing for a woman walking away from a marriage.

The core purpose of marriage is societal perpetuation, and if marriage did not exist, we would have to invent it. Every society that survives in fact creates a strong web of laws and obligations, and societies survive only if they do so. If marriage is just about a couple, then we simply would not need this net of cultural and legal obligations and norms.

I want to turn now to the exceptions, because I know that of course some marriages do not have children. They are childless. That still does not detract from the core purpose of marriage. It is simply an exception to the norm.

And of course common law relationships produce children, but I respectfully submit that common law relationships are statistically not as stable as marriage, for all its flaws, and they are more difficult particularly for women and produce inferior outcomes for children. There are notable exceptions, and I do not want my email to be busted overnight with people who say, "But my kid is perfectly fine and we had a great relationship in a common law relationship". As a statistical truth, this is true.

As well, single people produce children, but as we know, parenting is a tough slog when two people are raising a child. When it is one person raising a child, it is tougher again by some exponential factor. Society reacts by stepping into the breach, albeit, how shall we say it, inadequately, and in some manner replacing either the missing mother or father.

So I go back to my central point that marriage, for all its faults and all its failures, is the best institution for crossing the gender barrier and for the continuity of society.

The proponents of same sex marriage have been successful, however, in limiting the debate to simply a rights analysis only. Their argument starts with a conclusion. The conclusion is that marriage is simply a relationship between two people.

Therefore, it follows, as we back up through the argument, that if it is merely that—and I do not believe that, as I hope I have demonstrated—if it is merely a relationship between two people, then it matters not what gender the people are. And therefore, we arrive at the conclusion that it is discriminatory to have a situation in which marriage is only between men and women and that it can be between any gender if we follow the logic of that analysis. I respectfully suggest that this is in fact dubious logic and it guts the core reason for marriage.

There will be consequences. We cannot renovate the institution with nothing happening or expecting that nothing will happen. I expect the first consequence will be that heterosexuals will accelerate their detachment from marriage. There is a trend that is already there. We see more and more couples living together. We see more and more couples living together and then getting married. In both cases, there is less stability in those relationships.

● (2000)

The second, and more troubling, consequence is that we will need to redefine parenthood and limit children's rights. We already see the same sex couples, who are inherently sterile, asking courts to declare that their child, conceived by whatever means, is in fact their child, regardless of the biological rights. As Margaret Somerville has said, "society to become complicit in intentionally depriving children of their rights with respect to their biological family".

I will be supporting this deeply flawed motion in spite of its political implications. I wish the Prime Minister had been more honest with Canadians and spelled out the legal and constitutional implications. This is a mischievous, duplicitous and dishonest motion, but regrettably I will have to support because it is in fact a proxy for the marriage debate.

I hope I made myself clear as to what I believe and why I believe it.

Mr. James Moore (Parliamentary Secretary to the Minister of Public Works and Government Services and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics, CPC): Mr. Speaker, I do not know if my colleague, the member for Scarborough—Guildwood, has ever had an intervention in the House that has not been substantive and well thought out, and tonight is no exception.

He began his speech the same way he ended it, talking about the honesty of the motion and what would be needed by Parliament in terms of an assertion in order to roll back same sex marriage. There is plenty to debate in there.

I do not think I agree with him on how our country is legally structured. In terms of a constitutional democracy versus a parliamentary democracy, one does not necessarily override the other, but that debate was had twenty-four and a half years ago.

I believe my colleague will understand that this is a constitutional democracy. As a consequence of that, because of these legal decisions, he said if the Prime Minister were honest, the motion would say explicitly that the notwithstanding clause would have to be invoked in order to undo same sex marriage.

My question is straightforward for my colleague. Does he believe in using the notwithstanding clause with regard to the issue of same sex marriage?

● (2005)

Hon. John McKay: Mr. Speaker, we go from a point that being a constitutional democracy is in fact the charter and the charter contains within it the notwithstanding clause. The notwithstanding clause is not there for nothing. I take the view that this is a critical and a core issue with respect to our society. Marriage is a foundational institution to our society. Therefore, I would have been happier had the Prime Minister put that in the motion.

With the greatest respect to my friend, it will not be my decision to make as to whether the notwithstanding clause should or should not be in the motion. I did not frame the motion. I only wish the Prime Minister had been a little more explicit with Canadians. Absent this commitment, this debate will not mean a great deal.

Government Orders

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, I serve on the finance committee with the hon. member and we do butt heads fairly routinely, but not on this issue. Does the hon. member believe that equality can be enshrined for same sex couples without changing the definition of marriage?

Hon. John McKay: Mr. Speaker, my view of the matter is all kinds of approaches could have been adopted to take in the issue of equality. For instance, France has refused to create the concept of same sex marriage, but it does have a form of civil union. So do some other European countries, none of which immediately come to mind.

There are creative solutions to what I believe to be the legitimate aspirations of same sex people to have their unions recognized in the same manner and same social standing that marriage confers on a couple.

The approach by those who advocate for same sex marriage has been to simply gut the rationale for marriage and turn it into a relationship between two people. Therefore, at the end of the day, marriage will only mean a relationship between two people, which in my view does not accord with my sense of what, and I hope almost everyone else's sense, marriage is all about.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, the member's argument is that gay and lesbian relationships are merely based relational. They do not meet the standard that he sets for a marriage relationship. Yet he seems to let childless couples off the hook very easily in his analysis. I think he said it was just a departure from the norm.

Why is so easy to make an exception in that case, when childless heterosexual couples seem to fly against his argument and be merely a relationship? He seems unable to allow gay and lesbian couples the same stretch of his argument, for instance, in that case.

Hon. John McKay: Mr. Speaker, my point is that gay relationships are inherently sterile and that is just simply a biological statement of fact, in the absence of some intervention of a third party or some technological intervention of some kind or another. They are qualitatively different if we take the view that the core issue, the core reason for marriage is the creation of children and societal perpetuation.

● (2010)

Mr. Pierre Lemieux (Glengarry—Prescott—Russell, CPC): Mr. Speaker, I am honoured to rise today on behalf of the people of Glengarry—Prescott—Russell to speak on this important motion regarding marriage.

I highlight that since having become an MP, I have never received so much correspondence as I have on this extremely important issue. My constituents are overwhelmingly asking me to vote in support of the traditional definition of marriage.

[*Translation*]

When I say traditional marriage, I mean the union of one man and one woman to the exclusion of all others. It is important to note that marriage is an institution dating back to the dawn of humanity that has existed in all civilizations. This institution predates even the existence of the state, and this House's efforts to change the traditional definition of marriage are damaging not only to Canadian

society but to all societies, especially those for whom Canada is a role model.

As one of my colleagues noted, by changing the definition of marriage, the previous Liberal government undertook a radical social experiment whose consequences for children, for social stability, for freedom of religion and for civil society are completely unknown.

[*English*]

In June 1999 Parliament overwhelmingly voted in favour of the sanctity of marriage as being the union of one man and one women to the exclusion of all others. The then Liberal justice minister, Anne McLellan, stated:

The definition of marriage is already clear in law. It is not found in statute, but then not all law exists in the statutes, and the law is no less binding and no less the law because it is found in the common law instead of in a statute.

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 fundamental role in Canadian society.

“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”. Those were the exact words of the Liberal justice minister during the 1999 debate.

Canadians have now seen that the last Liberal prime minister and justice minister double-crossed them. In 2005 the Liberal justice minister tabled a bill to change the traditional definition of marriage against the will of Canadians. He, with the previous prime minister, rammed it through committee, were antagonistic toward committee witnesses favouring traditional marriage, cut short debate and then forced their cabinet ministers and parliamentary secretaries to vote in favour of their bill, with no regard to the personal consciences of these MPs or to the will of their constituents.

Only one cabinet minister broke ranks, resigned from cabinet and voted to defend traditional marriage, the member for Thunder Bay—Superior North. I salute him for his integrity, his courage and for the example he has given other MPs to always do what is right, no matter the consequences.

I also salute all the other MPs who stood to vote in defence of traditional marriage that day. May we work and vote together on this particular motion that is before us this week.

[*Translation*]

In my experience, Canadians from all walks of life know that marriage is fundamentally important and that it means the union of one man and one woman to the exclusion of all others. People from other countries know it too.

[*English*]

I also believe that people know that the institution of marriage exists to secure, protect and promote the union of a man and a woman, not just for the sake of the man and a woman themselves but also for any children born of this union.

Government Orders

Marriage concerns not only adults. Marriage concerns families and families concern children. Children need a stable environment in which to grow and mature. A healthy family founded on the traditional definition of marriage provides just this environment.

Marriage is the nucleus of the family and the family is the main means by which society sustains itself, perpetuates itself and grows.

I will now speak on the impact of marriage on the most valuable and yet the most vulnerable members of our society, our children. I believe children thrive in families and families are based on marriage. While the essence of this debate concerns adult relationships, we must recognize that the debate on marriage has a direct impact on the welfare of our children.

As it is the goal of the government to protect its citizens, particularly its most vulnerable citizens, it is, indeed, appalling that the previous government turned its back on the most important and fundamental component of our country, our children.

To be clear, defending the traditional definition of marriage is also about defending the rights of children and of defending their best interests. Our children are entitled to the best possible circumstances in which to be raised. Studies have demonstrated that this best possible circumstance is the family, consisting of a mother and a father in a continuous and stable relationship.

When the Canadian Parliament voted to change the definition of marriage, I believe it did so without giving any consideration whatsoever to the rights of children. There is no mention of children in the Liberal government's reference to the Supreme Court and none in the reply. The rights of children and the impact of changing the definition of marriage on children were completely ignored.

The UN Convention on the Rights of the Child, which Canada signed in 1991, states that every child has the right to know and be raised by his natural mother and father whenever possible. Article 3 of the same UN Convention states:

In all actions concerning children, whether undertaken by...courts of law...or legislative bodies, the best interests of the child shall be a primary consideration.

In addition, the Universal Declaration of Human Rights specifically states that the rights of children must take the priority over the rights of adults because children are more vulnerable and require the support of the state.

● (2015)

[*Translation*]

By failing to recognize the special nature of marriage as a union based on mutual commitment between a man and a woman, which is the only relationship that can produce a child and protect that child's right to know its mother and father, Canada is putting the rights of adults ahead of the rights of children. That is unacceptable.

[*English*]

Children have been ignored within this debate. We have focused on adults to live as they so choose, but we have forgotten our children.

The children of same sex couples are deprived of the right to be raised by both a mother and a father. They do not have role models in the home to teach them and to show them how to be wives and

mothers, husbands and fathers and they do not have the opportunity to experience how a man and a woman live out their married life.

I believe that defending traditional marriage is about doing what is right, what is good and what is best for our children. Therefore, marriage between a male and a female must hold the priority of place for the raising of children and must be maintained in order to safeguard the rights of children.

[*Translation*]

It is interesting to note that France's parliament recently undertook a thorough study of same-sex marriage and published a report on the subject in January 2006.

A French commission studied the impact of same-sex marriage on children and found that the best interest of the child must supersede the freedoms of the adult, including parents' lifestyle choices.

In order to protect the rights of children, France's parliament chose to support the traditional definition of marriage.

[*English*]

As I mentioned, I am honoured to stand in the House today to defend and promote the traditional definition of marriage. I am also a Roman Catholic and the church in its wisdom teaches that:

The intimate community of life and love which constitutes the married state has been established by the Creator and endowed by him with its own proper laws...God himself is the author of marriage.

The church also teaches unchangingly that marriage is a covenant in which husband and wife express their mutual love and join with God in the creation of a new human person destined for eternal life.

A major good of marriage between a man and a woman is procreation, that of bringing new life into the world. It is through marriage that the children of that union are best cared for and nurtured. Our children are our future and they must be protected. This issue of marriage must be revisited.

I also remind my fellow MPs that our time as an MP is short, even when we think it is long, and when we cease to be MPs, sadly, we will likely be forgotten by our fellow man, but not by God, who knows each of us intimately.

If God himself is truly the author of marriage, then let us be able to give a good account of ourselves when we stand before Him as we must all stand before Him.

I will be voting in favour of the traditional definition of marriage for us, for my children and for the children of our country. I ask all MPs in the House to join me in voting to defend and promote the traditional definition of marriage.

I shall conclude my speech as follows, "Almighty God, protector of all families, guide us in our efforts to defend the holy sacrament of marriage as the union between a man and a woman. I ask You this in the name of our Lord Jesus Christ. Amen".

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member may want to vote for the traditional definition of marriage, but we are actually voting on a motion to introduce a piece of legislation.

Government Orders

The reality is that we are faced with a judiciary which in the Ontario Court of Appeal decision basically discredited the family and said it was discriminatory to deny same sex couples equal access to marriage. The Supreme Court also in looking at it accepted the reasons for the decision and decided that it would not overturn that decision nor the subsequent decisions in other provinces.

Having said that, it leaves us with this predicament that this motion is asking Parliament to call on the government to introduce a piece of legislation to reinstate the traditional definition of marriage. However, based on the Supreme Court decision and the decision of those lower courts which were never appealed, that piece of legislation simply to reinstate the traditional definition of marriage would not be charter-proof and in fact would be unconstitutional.

If that is where we really are, I ask the member, since he knows that the only way to reopen this matter is to invoke the notwithstanding clause, is he prepared to recommend to the Prime Minister that the notwithstanding clause be invoked so that we can reverse the definition of marriage?

• (2020)

Mr. Pierre Lemieux: Mr. Speaker, what we just heard is nonsense. It is the smokescreen that was put up by the Liberals during the last debate.

The Supreme Court did not rule on marriage. If it did, would the hon. member please table its decision so we in the House can read it and so Canadians can see it. What it said instead was it belongs to the purview of the House to define marriage. That is what it said and it rests here in the House.

We are looking to have an open debate on the issue of marriage and to have a free vote in the House. We did not have an open debate the last time. It was cut short. The bill was rammed through the House. It was rammed through committee. The Liberal Party did not have a free vote. The NDP did not have a free vote. We are encouraging all parties to allow their MPs to vote in accordance with their conscience and to vote in accordance with their constituents.

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I think the hon. member made some very good points about children. In fact, in my past speeches in the House with regard to this issue, I have spoken about children, because as a physician, I have delivered the children of same sex couples. I have delivered the children of lesbians who have carried the child to full term just like any heterosexual woman. I have delivered the children of gay couples. This is exactly about children. This is about giving all children in Canada the equal right to be legal under the law, to have the legality of marriage which currently they are being denied. If we truly care about children, we need to do this in order to give those children a place in society that is legal and full and equal to all other children.

I would ask the hon. member, if he truly believes in children, how then could he vote in favour of this motion?

Mr. Pierre Lemieux: Mr. Speaker, I stand by my words. If the member opposite is so concerned about children, why is it that the party opposite voted against providing \$1,200 to families for children under the age of six?

More to the point, this does concern children, and children have a right to a father and a mother. The rights of children take priority

over the rights of adults in the way that they want to live or the way that they would choose to live.

I read within my speech excerpts from UN conventions which recognize the right of children to be in families. The best place for children to be is in a family that consists of the union of a man and a woman in a loving and stable relationship.

Mr. Paul Zed (Saint John, Lib.): Mr. Speaker, I rise today to speak to the government's motion to restore the traditional definition of marriage. I have some very serious concerns about the wording of this motion which I find very vague and misleading.

I would like to turn the attention of the House back to a vote we held in the last Parliament on Bill C-38, An Act respecting certain aspects of legal capacity for marriage for civil purposes. While this bill contained some proposals that I agreed with, it also sought to do something that I fundamentally disagree with, namely to change the traditional definition of marriage. When that bill came before the House, I voted against it. I voted against it for a fundamental reason, namely, I believe in the traditional definition of marriage, marriage as defined between a man and a woman. For me, this is a matter of my own personal faith and conscience.

However, as both a parliamentarian and a lawyer, I believe in the equality of citizenship of all Canadians. This includes providing same gender relationships with the same legal protection and the same benefits under the law as all other Canadians enjoy.

I believe in the separation of church and state. My difficulty with C-38 was that it sought to change the definition of marriage. I fundamentally believe that churches and other religious institutions alone should define marriage. Government, on the other hand, should simply register these relationships or unions. These were some of the reasons that I voted against the legislation in 2004.

Today the Conservative motion we are debating is one which I find to be seriously flawed. As parliamentarians we have to make responsible decisions for our constituents and with our constituents. We have to know what we are voting for and with this motion we do not know. This motion does not define what the government classifies as a civil union for example. It fails to define what rights and protections would be guaranteed in these relationships. If on the one hand the House is voting on a motion to produce legislation to restore the traditional definition of marriage, how can the proposed law at the same time respect existing same sex marriages?

This is a clear and irresponsible contradiction which I cannot and I will not support. We are all equal before the law. The proposed legislation that the motion calls for would create three classes of citizens in Canada and this is simply unacceptable.

If the government were serious about this issue and not simply playing politics, it would have prepared legislation so that we could study the implications of voting on this motion. It has not done so. This too is unacceptable.

Sadly we have come to expect this type of underhanded approach from the government. It is a government that is dividing the country, pitting one region of the country against another, pitting one group of Canadians against the other. It is a government that is far more interested in crafting policy based on right-wing ideology than on what is best for Canadians.

Government Orders

I find it sad that the government is playing politics with an issue that has been so divisive for Canadians. I believe that the role of the federal government is to unite Canadians from all over the country, not to pit one group of Canadians against the other.

The motion that the government has presented to the House of Commons is divisive. It is vague. It is misleading. Frankly, it is unconstitutional and legally unenforceable.

• (2025)

Let me be clear in conclusion. I support the traditional definition of marriage as between a man and a woman, but I will not be a pawn in the hands of the government as it tries to drive a wedge between Canadians. I will not vote for something I have already voted against.

Mr. Bradley Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, I listened with interest to my hon. colleague's remarks. I hope he will understand that there are members from at least three of the parties in the House who are interested in the traditional definition of marriage as he said he was, and the goodwill not to worry so much about the politics but the principle.

With that in mind, I ask the hon. member how he would have it worded so he could again vote with the traditional definition of marriage. How should the government have worded the resolution so that he would find it acceptable and he could then join the members in this House who would do it in all good conscience?

• (2030)

Mr. Paul Zed: Mr. Speaker, that is part of the dilemma that all of us faced when we looked at this resolution. The first part of the resolution states, "That this House call on the government to introduce legislation to restore the traditional definition of marriage". If the government had stopped at that point, that might have been palatable to all members, but it goes on to state, "without affecting civil unions". I read the right hon. Prime Minister's platform and he specifically did not make reference to civil unions. The motion goes on to state "respecting existing same-sex marriages". This would create three classes of citizens: those prior to the legislation; those governed by Bill C-38; and should the motion pass, those who would be part of a third group of Canadians. All of it would be unconstitutional because different classes of Canadians would be created.

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, I think the member and I fundamentally agree. We both believe in the traditional definition of marriage. But we cannot get there without agreeing to reopen the debate in the first place. We can certainly talk about how this may create three classes of citizens, but we can do that in the debate.

If you believe in traditional marriage as you profess to do, please vote in favour of the motion.

The Deputy Speaker: Order. I would remind hon. members that there has been the odd lapsing into the second person which I have tried to ignore. Please try not to do that.

Mr. Paul Zed: Mr. Speaker, that is where the devil is in the details, to be blunt.

If the government were genuine about its intentions, it would not play politics by muddying the waters, by preserving existing same

sex marriages when it claims that those were unconstitutional. Members opposite have spent quite a bit of time and have invested a lot of their political capital in alleging that the then government rammed it down everyone's throat and does not create a level playing field for partisanship. It does not allow all of us to move in the best interests of the country.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, I feel that the hon. member across the way and I are on the same wavelength in respect to this issue and the fundamental importance of heterosexual traditional marriage.

It seems to me to some degree he is twisting himself into a bit of a pretzel here by complicating the issue, and I say that respectfully. I appeal to my colleague to simplify the issue. Why did the member opposite not propose an amendment? If the member is sincere in wanting to get an adjustment so that it would be more palatable to him, then he has the option of moving an amendment. I leave it with the member. I ask him not to unduly complicate the issue for himself.

Mr. Paul Zed: Mr. Speaker, I respectfully agree with the hon. member on this point. If there were an opportunity or a possibility to create an amendment, that would have been appropriate. I agree with you. However, we are in a situation where that is not procedurally possible and, as a result, we are stuck with this particular resolution. That is the first problem in answer to your question.

The second issue though is that I still wonder how genuine the Prime Minister was when he came forward with this. Frankly, if the whole purpose of the government's caucus was to restore the traditional definition of marriage, then that would have been a simple thing to put forward. I would throw your question back to you, sir, and say that perhaps you should talk to your own caucus and propose your own amendment.

• (2035)

The Deputy Speaker: Again, the hon. member was using the word "you". Perhaps it is debate fatigue, but please try to refrain from doing that.

Resuming debate with the hon. Parliamentary Secretary to the Minister of Indian Affairs and Northern Development.

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, I would like to begin by thanking my colleagues for the opportunity to speak on a matter that is very important to me and Canadians.

Our government is proceeding with a free vote on the definition of marriage, which is exactly what did not occur during the last debate on this matter. I wish I could be making this speech under better circumstances, but since that is not possible, I am going to present before the House, my constituents and this nation the unfortunate truth of the matter. The truth is the following.

Government Orders

This Parliament is being compromised in its democratic principles. The House of Commons of the 39th Parliament in truth would vote in favour of restoring the definition of marriage to its traditional form if an actual free vote was held. Among those who believe in restoring marriage are members from all parties. I know this because I have spent much time over the last nine months speaking with members from all parties.

I have done my research in an exhaustive manner and the unfortunate tragedy is that the true score may not be the final tally when the votes are counted tomorrow. This is because in our day, at a time of supposed intellectual freedom and open minds on a foundational issue of such importance and consequence, members of Parliament are at this very moment being pressured, either by outright and open oppression by their leaders or through hidden but powerful political pressure by these very same people, to vote against their conscience and against the will of their constituents.

I believe there are enough members in the House, composed of both men and women, who are personally and intellectually convicted that marriage should be restored to its traditional form. I believe these members represent the will of Canadians across our country, but many in this majority that I believe exists have been suppressed into silence.

If this vote fails, it will be for this reason and the traditional family will be further damaged in a time when it has been constantly under assault. So, it is with disappointment that I say that unless leaders relent or members are inspired to stand against this intellectual suppression tomorrow, the voted will of the Canadian people may in fact be thwarted again and democracy will suffer another blow as seems to have often happened on pro-family issues.

At the eleventh hour, I would like to take the opportunity to make a two-fold plea. First, I plead with opposition party leaders. Each of them hold democratic ideals. They believe in freedom of thought, honesty and integrity, which are essential ingredients for a healthy Parliament. These things they have championed in Quebec and Canada during every election campaign. Yet, at this crucial moment in Canadian history, they are either openly or discreetly attempting to seal closed the intellects and tape shut the mouths of those who oppose them.

They are seeking to impose their own will upon Canada in a manner that betrays the very founding principles of our democracy and society. They are also violating the Charter of Rights and Freedoms. The first and most fundamental freedom listed in the Canadian charter states that each person has the freedom of conscience and religion and, second, the freedom of thought, belief, opinion and expression, including freedom of the press and other media communications. How can it be that in our Parliament, the heart of our nation, members are being forced to express and vote the very opposite of that which they believe and think?

This is not a partisan speech. I do not believe that this should be a partisan issue. I do not care at all for winning political points on this matter. How can any of us play politics with the family? On my part, I refuse. I have worked with members from all parties in the House and encouraged them on this important matter. I have found friends and allies in all parties who have fought with me in defence of traditional marriage and the family.

Of these many allies, I am fortunate that I am allowed the freedom to speak my mind on this issue and to vote as my intellect bids. I feel that we must all be allowed to do the same and so it is with trust, hope and goodness that I now make my plea. I would ask leaders of the opposition to please encourage their members to vote in accord with the way they really think.

I make another plea. I plea to every member in the House. I know that throughout the year politics and partisanship unfortunately take up much time in the House and issues sometimes suffer because of it. Today we should put that aside.

● (2040)

I can speak for no one but myself, though I am sure many others share my thoughts. I would like to suggest that when members cast their votes tomorrow, they should cast it as free persons, for the good of Canada, and based on their own intellect and how their conscience instructs them.

At this point, I would also like members to consider freedom of culture. As an aboriginal Canadian, I would like to point out that most within my community are in fact the most traditional, family-oriented people in the country. It is a requirement within my culture to consult one's elders on important matters such as this. My elders have clearly told me that small, isolated aboriginal communities must continue to teach their children that marriage is between a man and a woman. One elder told me, "What message would we be giving our communities if we did not teach our children the importance of traditional marriage?"

Another gave me a powerful example. She said, "Consider the colour orange. You could define it as being a combination of both red and yellow. If someone decided that orange should now also be defined as a combination of red and red or a combination of yellow and yellow, what would orange mean to you? The word would be without meaning and you would have to create an illusion in your mind to reconcile this deception".

I can tell members that people from all backgrounds are starting to realize the brave new world that Bill C-38 brought us into. It is an undefined path with unknown consequences. One thing that has been demonstrated by Bill C-38 is that Parliament, through its elected members, has the ability to change the legal definition of marriage. It has already done so just last year.

In the future, Parliament may also choose to alter this definition, based on the will of the people or the courts. Who can predict what future rulings the courts might impose on marriage?

The Canadian Parliament has a majority of MPs who may in fact vote in favour of restoring the definition of marriage, though some will not be allowed to vote the way they want to. Tomorrow, I will be able to vote freely, with honesty and integrity. I hope that my colleagues in this House will be allowed to join me. If it is permitted and if democracy works tomorrow, then this House will move that marriage be restored in its traditional form and Canadians will prevail.

Government Orders

Hon. Charles Hubbard (Miramichi, Lib.): Mr. Speaker, like all members in the House, I listened very intently to the hon. member. In fact, all of us have to recognize the sincere concerns that we have as members of Parliament representing people across this country and, more important, representing everyone and not just particular interest groups.

I voted against Bill C-38 and I spoke in this House on trying to retain the historic and Christian definition of marriage that so many of my constituents have. Even at that time, we were recognizing that marriage in Canada had a very complex definition. Not only is our federal government involved with marriage according to our Constitution but, very significantly, each province issues marriage licences that enable people to become married. In fact, when we dealt with that issue and voted on it, we found that many provinces, Ontario being the lead, were offering marriage licences and people of the same sex were being united in matrimony.

How would the member answer a question in terms of what federal rights we have as federal politicians to deny the province of Ontario the right to issue marriage licences?

Second, it is deeply troubling to me that a government which has a leader whose responsibility is to lead Parliament, to bring bills to this House and define legislation that he wants debated in this House, has not had the leadership ability to lay a bill before the House and instead went to his House leader—

• (2045)

The Deputy Speaker: Order, please. There is only so much time. We have five minutes and there are other members who want to ask questions.

The Parliamentary Secretary to the Minister of Indian Affairs.

Mr. Rod Bruinooge: Mr. Speaker, I appreciate that the hon. member opposite did vote for traditional marriage in the last Parliament and I hope he votes that way again.

The Prime Minister of Canada made a commitment to Canadians to offer the opportunity to have a vote here in the House of Commons to see whether parliamentarians would like to have the debate re-entered into. In fact, that is what we are doing today. We are polling parliamentarians to see if they would like to consider bringing in legislation to define marriage as being traditional in the way that it was previously.

I think this was a reasonable approach that was taken and, clearly, people on this side as well as on the other side would like to see that occur. I am hopeful that tomorrow the vote will go the way that I have been talking about but I appreciate—

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

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I was listening to part of this debate in the lobby and I felt compelled to come in and ask a question. I must first tell the member that I was somewhat offended by his comments.

I say that in this light. Tomorrow, when this vote occurs, it will lose by about a 2:1 ratio. Does the member believe that somewhere between 150 and 200 members of this House will not be voting their conscience tomorrow? Does he believe that many people are being

forced by their leaders to vote that way or is it in fact the reality that those 150 to 200 people who vote tomorrow in this House against this motion are voting their conscience?

Mr. Rod Bruinooge: Mr. Speaker, I know that in 1999 there was an overwhelming majority of individuals in the House who voted to uphold traditional marriage but, of course, in 2005 the margin was a different way.

I believe that with changing seats in the House there are new individuals who have entered into this place who are very much alongside on this issue in terms of their traditional views. I believe that, unfortunately, members from the Bloc have also had a whip on this vote. There has been an active campaign to bring in the 28 or so Liberals that remain in this House to vote against this motion. Unfortunately, if we had those numbers in place this motion would pass. Nonetheless, that campaign is on and all I can do is simply attempt to appeal to those individuals and ask them to change their mind.

Hon. Ken Dryden (York Centre, Lib.): Mr. Speaker, this is a difficult matter for many Canadians and many parliamentarians.

When one is a regular citizen, one has a right not to have a public opinion, to remain quiet, to say “I do not know”, to be unsure enough to decide even not to make up one's own mind, let alone influence others. As a member of Parliament, I lose that right. I have to stand and be counted because a decision must be made, yes or no, and the public has the right to know what I decide so they can decide about me.

I bring no special expertise to the issue of same sex marriage. I went to church as a child. I loved hymns and, at times, the feeling of church, the quiet and community of it, the getting dressed up, the family together and the niceness of it. I did not read the Bible except to memorize a few parts for Sunday school. I found the 10 commandments interesting for what was included and what was not. I thought the name “The Golden Rule” pushed a little hard and yet I am not sure I have heard 11 such simple, non-pushy words, “Do unto others as you would have them do unto you”, that offer a better personal or societal path to life.

Not many years ago, I decided to read the Bible from beginning to end. The experience only confirmed what I had vaguely felt for most of my life, that the Bible offered the best thinking and understandings of a time, a place and people. It reflected how people explained to themselves the world, how the world worked, how people should behave and what would happen if they did not. Much of the wisdom of the Bible has held up in different times and places for different people, but to me no wisdom is timeless. Each is challenged by a new time. Some pieces of wisdom last, some do not.

In thinking about same sex marriage, I have only the experiences of my own life to go on. I am not sure when I first heard the playground words kids used for homosexuals. It was certainly many years before I knew what they meant. The words were intended to punish, to hurt. They said, “You are weak”, “You are not a man”.

Government Orders

By the time I knew better what they meant, I do not think I ever believed that anyone I knew really was one. There were rumours and whispers intended to put down somebody someone wanted to put down. Somebody somewhere surely must be one, I knew, but nobody in my world. I have since come to know that kids I knew very well, kids in my own class, were gay or lesbian.

I have thought how impossibly hard it must have been for them. As teenagers, all of us had to struggle so hard to figure out what was going on in our own bodies and minds, having strange things begin to happen to us, which surely were not normal and must make us bad. What would the other kids think if they knew? What would our parents think? There must be something wrong with me, darkly, dirtily wrong, and we were the lucky ones, the ones who never had to confront the possibility that we were going in the unthinkable wrong direction. We had only to find a way to do acceptably what was acceptable.

What must it have been like for the others? How often must they have thought themselves hideous and unspeakable?

In more recent decades, I have seen what this exclusion has done to people. I have seen them forced to twist and contort themselves to hide and pretend just to get the chance to do the things they wanted to do in life, having about them one big fact that to others completely defines them.

I think now about the untold lives this has directed and shaped and the untold lives it has destroyed. This is so far from being right, it is outrageous.

I grew up knowing that marriage was something that involved a man and a woman. Kids eventually seemed to be a part of marriage because that is how life worked, but they did not have to be, as many very good marriages did not produce kids. I thought marriage was something that people did when they loved one another so much that they could not stop themselves from committing to each other privately, and then in a public ceremony, vowing that they wanted to be with each other forever.

• (2050)

I never thought of marriage as something that could involve a man and a man or a woman and a woman. I never thought about a man and a man or a woman and a woman loving each other in a marriage way. I have thought about this question more in recent years. How do I feel? Like most people I think, not entirely comfortable.

Life is hard, even when we live on the majority side of things, of race, language, culture, religion, sexuality. Our biggest challenge as human beings is to get along, to learn about each other, to accept differences, to give the same chance to others to live their lives as we would like them to give to us and to allow others to share fully and completely in the world.

It is also hard to have to think again in a different way about something we had always experienced differently, like marriage. I think the great majority of Canadians on either side of the same sex marriage debate are not 100% sure or comfortable. That is important to know. In the midst of this often heated debate, it is hard not to be swayed, usually in the reverse direction, by the words and tone of the advocates who scream their certainty, who tell the rest of us that we

must surely be stupid or at least depraved if we are not as certain as they are.

It is okay to be 60-40 or 70-30 on this. As the debate more and more attempts to polarize us, it is important to know that on one side of the question or the other, most of us have more in common than it seems. It is important to know because it will help us immensely to get along again, as we must, when all this is done.

All these decades later, with the vote ahead of me, where am I? For me, man and woman, man and man or woman and woman, marriage is for two people who love each other, who want to be with each other and who privately and publicly commit to each other. I support same sex marriage and I will vote against the government's motion.

• (2055)

Mr. Rod Bruinooge (Parliamentary Secretary to the Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, CPC): Mr. Speaker, as we have seen that the definition of marriage has been redefined, does the hon. member feel that this definition could perhaps include other groups in the future or is this definition now cast in stone?

Hon. Ken Dryden: Mr. Speaker, I cannot say that I know what the nature of the question is that is being asked about other groups in the future. I do not know what other groups in the future mean.

What I mean and what I intended to say here is that I understand marriage as something that involves a man and a woman, a man and a man, a woman and a woman, two people who love each other and who want to commit to each other privately and publicly.

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I listened intently to the member's speech and I was wondering if he could comment on whether it would be wise for us to at least have the input of the Standing Committee on Justice and Human Rights which spent many weeks and months travelling across Canada hearing from Canadians from coast to coast. It is my understanding that the report has never been tabled and it would seem to me that it would be in the interest of democracy to allow that report to be tabled so that members of the House would be more fully informed.

Hon. Ken Dryden: Perhaps, Mr. Speaker, but I am not entirely sure that is something that needs to generate a personal response. We need to find it in our own life's experiences and life's learnings, whatever. Additional information, as the hon. member is suggesting, that comes from some place is always something that can add to the rest of one's own understandings and experience.

Basically, the answer for any of us is already inside us. It is inside you, Mr. Speaker, and it is inside me.

Government Orders

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, I would just like to pick up a little bit on the hon. parliamentary secretary's question and ask the member a question. If this definition is cast in stone, to extend that, could it be three people who love each other? If it is just an extension of rights, could it be a relationship between people who are more closely related than currently defined? I would just like to know where we start and where we stop once we start redefining marriage.

Hon. Ken Dryden: Just as I said in my speech, Mr. Speaker, which was the way I understand marriage, it is that marriage is between two people: a man and a woman; a man and a man; a woman and a woman. That is what I said in my speech. That is what I say in answer to the hon. member.

Mr. James Lunney (Nanaimo—Alberni, CPC): Mr. Speaker, I noticed that the member mentioned earlier that the biggest challenge we have as human beings is to get along. I agree somewhat with that, but I would suggest that perhaps our biggest challenge is actually to govern ourselves.

As the member knows, there are millions of Canadians who have taken the view that marriage is between a man and a woman as they have always understood it traditionally. They have very deeply held convictions that marriage is the foundation not only of society but of family and is the cornerstone of all of our major institutions. They value very deeply the institution of marriage between a man and a woman.

Does the member not feel that it is possible to provide for gays and lesbians who wish to enter into a long term relationship the type of recognition they need from society by providing civil unions or some other form of recognition, without taking away from people something that is very deeply held by them in their religious views, views that are deeply held by millions of Canadians of different religious perspectives?

• (2100)

Hon. Ken Dryden: No, Mr. Speaker, I do not believe it can be done that way.

People have used this phrase before and I think it is quite right: a right is a right. Why should there be some category of people who are not allowed that same right?

The member described the depth of feeling that Canadians have for marriage, for that commitment of a person to another. Why should that not be allowed for a similar depth of feeling that a man and a man or a woman and a woman may have for each other as well?

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, I am honoured to rise this evening to speak to this motion on behalf of the constituents of Peterborough, on behalf of my family, watching at home, and also on behalf of the thousands of supporters who have asked me to enter this debate.

The fundamental foundation of government in Canada is democracy. Ultimately, we elected officials are responsible to our constituents. In June 2005, democracy was betrayed by the former Government of Canada, in part because it did not allow a free vote in caucus and in part because it felt the need to rush the debate and move closure on the issue.

Many people in Canada were left both disillusioned by the former government's handling of the situation and angry that the government saw fit to redefine marriage as opposed to simply enshrining and extending equal rights and benefits to same sex couples.

The argument often used by those who profess to be people of faith and who voted in favour of redefining marriage is that there is a separation between church and state. I would humbly submit that, to begin with, that is an American principle. Second, the separation of church and state was set up to protect the church from the state, not the state from the church. The state has no business in the churches of the nation.

This is not a Charter of Rights and Freedoms issue. The charter reads:

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:....

This passage in the charter specifically indicates that ultimately faith influences how this House makes law, as the supremacy of God will ultimately dictate how the laws of the land are crafted by parliamentarians.

I would like to refer to the words of Bishop Nicola De Angelis, presiding over the Peterborough diocese, a diocese that spans most of eastern and northeastern Ontario. It reads:

Dear Faithful in Christ,

Current circumstances lead me to address you on the subject of marriage. Our federal government resumes sitting in Ottawa today and in the near future the issue of marriage will be addressed in the House of Commons. A vote will be taken to determine if we, as a nation, should review this issue and restore marriage to its traditional and proper definition.

Marriage is the union of a man and a woman for their mutual support and for the conceiving of children who can be brought up in the security of a family based on the stable life-long relationship of their parents. Marriage creates the setting for the domestic Church, where children will first learn about God and the blessings He has bestowed upon us. From marriage, through the family, flow love, charity and the basis of good citizenship dedicated to the common good. All great civilizations have had their beginnings and derived their strength from recognition of the key role of marriage and the family.

In June 2005, in contradiction to common sense and the experience of centuries, the Canadian government changed its definition of marriage from the union of a woman and a man to the union of two persons. The process by which this was done was flawed in a number of ways, not the least of which was the fact that our elected representatives were not allowed in all cases to vote in accordance with their consciences. This time, as Members of Parliament consider such a crucially important issue, their vote must be a free one.

The charter of rights does not speak of a right to marriage. Marriage is not an inherent right. Even churches do not marry all heterosexual couples who enter their doors. The churches can and do deny the marriage of some couples who come forward to them. There is no right to marriage, but there is a right to equality in Canada, and I would be among the first in this House to defend that right if it were ever challenged.

Other countries have looked at this issue. Indeed, the United Kingdom recently passed a civil partnership act, an act that specifically extended the rights of marriage to same sex couples. Perhaps some of the members of this House witnessed the ceremony of Sir Elton John not that long ago.

Government Orders

The manner in which the United Kingdom dealt with this issue was respectful to all citizens. It respected the churches. It respected tradition. It respected the rights of gay and lesbian citizens. It respected the democratic majority that opposed redefining marriage.

In France, the government is no longer involved in marriage. There, couples must first obtain a civil union from the state and then, if they wish, they may seek a religious or faith based marriage subsequent to obtaining their civil union.

● (2105)

Is Canada more progressive than the United Kingdom or France? Are we onto something that the overwhelming majority of nations have yet to figure out? I do not believe so.

I have received thousands and thousands of letters from my constituents asking, if not demanding, that I vote to restore traditional marriage at the soonest possible opportunity. In fact, I would venture to bet that every member in this House has been overwhelmed by the same requests. I ask members to set aside their partisanship and restore Canadians' faith in democracy, I call on all parties, their leaders and their whips to allow their members to vote freely.

Why would the New Democratic Party choose to be the least democratic party in the House? Its founding leader, the late Pastor Tommy Douglas, a Baptist minister, must be turning in his grave. His staunch beliefs would certainly not have allowed him to sit as a member of the NDP today.

This debate is about faith. It is about tradition and democracy betrayed. Parliament can enshrine equality for same sex couples and it should, but Parliament had no right to change the definition of marriage. I call on all members of the House to support the motion before them.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, some of the arguments used here are unbelievable to me. I am going to talk for a minute about voting one's conscience. When I first came to the House in 1993, we heard the Reform Party say before every vote that its members were going to vote a certain way except when told by their constituents to do otherwise. We had a vote on the Québécois as a nation and every one of the government members was whipped to vote for it or at least abstain. If they voted against it, they were going to be kicked out.

I have news for the members opposite. I have voted my conscience against a three-line whip because I believed the legislation was wrong. I did it on the Citizenship Act, the Immigration and Refugee Protection Act and the anti-terrorism legislation. I am a person of free will. There are no guns and no rifles. We are not going to be hung if we vote our conscience.

I really do not appreciate a member on the other side, who has yet to stand up against his government, lecturing other members who have voted against a three-line whip. I think this is a total canard. I wish the member would find a different type of argument and tell us why he did not vote his conscience on the last piece of legislation when he was told to—

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Peterborough.

● (2110)

Mr. Dean Del Mastro: Mr. Speaker, the fact of the matter is that I chose to vote on a motion that I believe united Canadians. I hope the member voted the same way on that motion because I believe in Canada. I believe in a united Canada and I believe in this party as a party that is uniting Canadians from coast to coast.

On this issue, we know that if the majority of Canadians were polled and could vote, they would vote to redefine marriage in the traditional sense. The House may well vote differently, but that will not represent the constituents of Canada.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I have a comment to offer for the member for Peterborough. I want to encourage the member not to mistake unanimity for compulsion. In this corner of the House, people will be voting their conscience tomorrow. All 29 New Democrats will be voting against the motion because we believe in the full participation of gay and lesbian people.

I ask the member not to mistake unanimity for compulsion, not to mistake a commitment to human rights for compulsion and not to mistake a commitment to the full participation of gay and lesbian people in our communities and in society for compulsion. I ask the member not to make that mistake about what is going to be happening in this corner of the House.

We all have a commitment, a commitment to acting on our conscience, and we happen to be united at this point. There is unanimity in this corner. It is not happening because of compulsion by the leader, the party or anyone. It is because we have all come to that conclusion independently and we will be voting in that regard tomorrow afternoon.

Mr. Dean Del Mastro: Mr. Speaker, I think there may be unanimity in that corner now and that is because they bounced the former member for Churchill out of their party.

Quite frankly, I think—

Mr. Bill Siksay: Mr. Speaker, on a point of order. That is a falsehood. No one was bounced from this caucus in the last session of Parliament. There was no one removed because of a difference of opinion.

The Acting Speaker (Mr. Royal Galipeau): I thank the hon. member for Burnaby—Douglas for the point of order, but the point of order that he is making is more a point of debate.

The hon. member for Peterborough has the floor.

Mr. Dean Del Mastro: Mr. Speaker, I agree that is an issue of debate, but we could always talk to the former member for Churchill and see if she feels differently.

The least democratic party which sits in the corner and which is whipping its members on this vote should allow its members to vote their conscience.

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I have listened to people across the way talk about the institution of marriage and the fact that the definition of marriage goes against the church. I would like to remind the member who just spoke that if he wishes to quote the scriptures, Christ said, "Render unto Caesar the things that are Caesar's, and unto God the things that are God's".

Government Orders

Since Roman times marriage has been a civil institution. It was brought forward to make sure that property was divided and that legitimate children had heirship to the property. It was only in the Council of Trent that marriage actually became a sacrament. In this we have managed to—

The Acting Speaker (Mr. Royal Galipeau): Order, please. The hon. member for Peterborough for a very short response.

Mr. Dean Del Mastro: Mr. Speaker, it is interesting to note that the member quoted scripture. Unfortunately, the part that she is referring to talks about taxation. I agree that people should pay their fair share of taxes, and I am glad to hear that the member agrees with that, hence our tax fairness plan.

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I stand here to speak against this motion as I have stood in this House on many an occasion to speak in favour of equal marriage for same sex couples.

It may surprise everyone in this House to know that I am fully aware of what the interpretation was of the quote of Christ that I just made, but it was not meant to be singly with regard to taxation. It was meant to divide the issues of church from state. If we think of the political institutions within which Christ was functioning at the time, the state of Rome was occupying his land at the time, but we will not get into that.

It may surprise many in this House to know that I was brought up a Catholic. I managed to get straight As in every single one of my religious studies and I thought I would become a nun when I was around age 18, so this has absolutely nothing to do with religious belief.

As a physician, I came to understand when I saw patients in my office that there was one group in this country that was discriminated against under the law purely because of sexual orientation. Those people were denied access to medical care. They were denied access to pharmacy care. They were denied access to benefits. They were indeed the last group in this country who were treated unequally under the law. I made a vow when I ran for Parliament that I would change that. I learned as a physician that I must put aside my own personal feelings and morality and beliefs because if I become a physician I believe in the charter and the charter is here to speak about equality of rights. This is about equality under the law.

The Supreme Court clearly said in answer to the questions we gave it, to give gays and lesbians equal rights to marriage under the law was purely a right of this Parliament and a right of the federal government to define marriage.

People here talk a lot about civil unions. Civil unions are a jurisdiction of the provinces. The federal government cannot grant civil unions. It could only do one thing and that was to be responsible for the definition of marriage. That is why it brought about a change in the definition of marriage.

I could go over those age-old arguments that I made in this House on every occasion I had an opportunity to do, but I will not do that. I want to speak against this motion as it stands for three reasons.

First, this motion is doing something that I consider to be absolutely abhorrent by a government. It is taking away a right already granted by Parliament under law. It is taking away the rights

from a minority group. The only reason I believe that a state should remove a right already given is if that group is a danger to society, so someone has to prove to me that gays and lesbians getting married is a danger to society.

Another reason a right should be taken away is if that right harms and prevents others from having that same right. No heterosexual marriage has been denied as a result of same sex marriage. To remove a right purely because of political will is a slippery slope that concerns me greatly, especially when I attach that to other things the government is doing.

The government has removed the court challenges program, the program for those in our society who are unable to afford access under the law to claim their rights under the charter. It was there for those who are vulnerable and those who do not have the money or the ability to speak for themselves. The Conservative government has taken that away.

We have to ask ourselves, if the government takes away rights from people with whom it does not agree ideologically or morally, who is going to be next? What other minority group either by virtue of its ethnicity, race or religion will the government see fit to remove that group's rights if the government disagrees with that group's way of life, culture or manner of worship? This I consider to be an extremely dangerous thing because it is ideological to the extent that it is very, very dangerous.

There is a second reason I will vote against this motion. The Conservatives have argued that there was too little debate. I was on the justice committee which travelled around this country for months speaking to Canadians everywhere about this issue. At the end of that journey, we all came back here and came up with the recommendation to the Government of Canada to change the definition of marriage to the one we have today that we call civil marriage.

● (2115)

The people of Canada spoke to the committee as it travelled around. This issue was debated three or four times in the House every moment that we could debate it. Finally, Parliament agreed. Whether it was a slim majority or not, Parliament voted and it agreed to grant this right under law to same sex couples.

What I see here is the government is disrespecting the will of Parliament.

I even heard some people here say, "Well, we are new here and therefore we did not get a chance to vote. Or we just got re-elected and therefore, we should now vote on something new". Does this mean that the government will bring back every single law that has been passed in Parliament because some members are new and want to vote on them? What are we talking about here? What is happening to this place into which we are voted and in which we believe that when a law is passed the law is there and cannot be revoked unless circumstances have changed? No one has shown me that circumstances have changed to revoke civil marriage. That concerns me.

Nine provinces are now allowing civil marriage. The courts have spoken in each one of the provinces of Quebec, B.C. and Ontario with regard to this.

Government Orders

Here we go again. The government not only disrespects Parliament's will but it disrespects the will of the provinces. It disrespects the will of the courts in those provinces. The government has absolutely no respect for the institutions of this nation. This concerns me greatly because here is a government that is beginning to believe that it is a dictatorship, that it can make the decisions it wishes to make because it does not agree with anyone else and it will keep going and going until it can change those decisions, until it can have its own way. This is what concerns me about this whole issue.

We talked about dividing this country. There have been so many things that have been brought down since the Conservative government has been in power that have divided people in this country. Here is one that is dividing again. Let us look at the scenario. Over the past year and a half there are same sex couples who have married. They are legally married under the law. The government has agreed to grandfather those. Now the government has divided a minority group. Within that group there are those who can marry legally and then there are those who will never be able to marry legally.

Has anyone asked what that means? It means that the charter would strike this down, because we cannot have one set of rights for some within a group and then deny others in that same group those rights.

What we see here is the worst kind of political gamesmanship. It has been typical in this Parliament with the Conservative government. It has always been political gamesmanship, a one-upmanship and a gotcha kind of mentality so the Conservatives can satisfy their own groups that wish them to bring this back and then, with the worst kind of cynicism, knowing it will fail, they can turn to the groups and say, "Okay, we did it and it failed. We cannot do anything more".

What happened to the integrity of this place? What happened to respect not only for the law but for this Parliament and this House?

We have created a democracy in this country that is more than merely the rights of the majority. Under the charter, we have permitted a unique democracy in the world, where minority rights are upheld under that charter, where groups that are too small to have a voice have one, where groups that feel they might be second class citizens in this country do not have to be. This has created the greatest order and social cohesion in a diverse nation. This is at risk.

I fundamentally disagree not only with this motion but with all of the slippery slope that it entails. If we look carefully at what is happening here, it is not only disrespect, it is disrespect for the law, it is disrespect for Parliament. It is in fact a very cynical move by this government as it moves forward to deny minority rights to those who ideologically it does not believe should have rights because it does not fit into the Conservatives' nice little vision of the world.

I will be voting against this motion and it will be with my conscience fully and completely intact.

• (2120)

Mr. Mike Allen (Tobique—Mactaquac, CPC): Mr. Speaker, I appreciate the member opposite for her wide-ranging intervention. She mentioned the Council of Trent. She talked about retracting rights and that the debate was done and that Parliament agreed. Not

once in her comments did she ever talk about one of the most vulnerable groups in our society, our children, who are going to perpetuate our future generations.

I am sure she was visited, as certainly I was visited in the last month by the youth group MY Canada who really respect traditional values. One young lady was in my office very emotionally saying that she felt the importance of having a mother and a father in a traditional relationship. I ask the member opposite, how do I square that up, that that group was not even mentioned in her speech?

Hon. Hedy Fry: Mr. Speaker, I did mention children in all of my speeches in the past and earlier on I asked a question of one of the members with regard to children, so I will speak about children very quickly.

If we truly value children in the House, then we must understand, as one of the hon. members spoke about children, that this is about the rights of the child, regardless of what their parents do, do not do or who they are. That is precisely what we are talking about here.

There are same sex couples who have children. Lesbians carry children to term and I have personally delivered them. Are we going to divide this country into those children who are children of certain couples and children who are not? Are we going to say that some children have more rights than others? Are we going to create second class children in this country based on an ideology that we believe some children are not worthy and others are? That is precisely what is being said here and I abhor it.

• (2125)

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I want to thank the member for Vancouver Centre for her passionate intervention and I appreciate her hard work in this area for many years.

I want to question her further on the question of children. We have heard tonight very bold and far-reaching statements that somehow question the ability of gay and lesbian parents to raise children appropriately and successfully. References were made that this was not possible.

I want to know if the member for Vancouver Centre has ever seen any serious evidence of that fact? I know that she has sat through many hours of testimony with the justice committee in the 37th Parliament, but in other situations, professionally as well, has she ever seen serious evidence that shows that there is any harm to children who are raised by gay or lesbian parents?

Hon. Hedy Fry: No, Mr. Speaker, I have not. Not only have I not seen it, but I have seen children brought up by gays and I have seen children brought up by lesbians in loving relationships. I have seen children brought up by single parents in absolutely loving relationships. I have seen children brought up by heterosexual families in loving relationships, but I have also seen children in heterosexual marriages, which were the only ones up until a year and a half ago that were allowed, which were not loving and in which the children were abused. As a physician I saw that over and over and over.

If we are going to speak in the House, let us speak the truth. Let us speak about facts. Let us not come from a point of ideology, discrimination and bigotry of any kind. Let us speak to the facts.

Government Orders

Mr. Bradley Trost (Saskatoon—Humboldt, CPC): Mr. Speaker, the one thing I always note in the speeches of the people who are on the opposite side of the issue, as I am, is that they all talk about rights. They never mention responsibilities. I always hear about rights, but never responsibilities, and in real life, rights go with responsibilities. I am very curious. What does the hon. member think are the responsibilities of marriage? She is prepared to give all sorts of rights, but will she define what responsibilities she sees, or does she see no responsibilities whatsoever, or very shallow responsibilities?

Hon. Hedy Fry: Mr. Speaker, there are the responsibilities in marriages where there are no children, for various reasons. In those marriages there is a responsibility to be true and faithful, to be loving, to care for each other in sickness and in health, and to be there for each other in the bad times and the good. In marriages with families there is a responsibility to the children, to bring them up in love and to give them the things that they need. I think those responsibilities are fully so in same sex marriages. I have seen them as a physician over and over.

Mr. Bev Shipley (Lambton—Kent—Middlesex, CPC): Mr. Speaker, indeed it is an honour for me to rise tonight in the House to support the motion to re-open the traditional definition of marriage. I also rise today for my constituents who have overwhelmingly communicated to me that they support our government's efforts in reopening this debate. I must say that I also have the pleasure of personally sharing the same view as the majority of my constituents.

I cannot stress enough how passionate the constituents of Lambton—Kent—Middlesex feel about this issue. Of the thousands of letters, calls and emails that I have received from my constituents on this issue, they have voiced their displeasure in the changing of the definition of marriage. I have also received numerous petitions from my constituents calling on our government to revisit this debate and restore the traditional definition of marriage. Every day more of my constituents come forward to express their disapproval of the changes in the definition of marriage, changes that were made without the free will of Parliament.

Marriage has been an honoured institution that has stood the test of time and is one of the key foundations on which our society has been built. For thousands of years marriage has been recognized as the union of one man and one woman. Since Confederation and until recently marriage in Canadian law has been defined as the voluntary union of one man and one woman to the exclusion of all others.

I along with the majority of my constituents believe that the traditional Canadian marriage debate needs to be revisited and eventually agreed upon by a free and democratic vote in this House.

I must also mention that I hold the view that same sex couples deserve the same rights as those involved in traditional union. I believe that same sex couples should have the same financial, property and other forms of rights as traditional couples, and that the meaning of the term marriage be preserved as the union between one man and one woman to the exclusion of all others.

I do not believe in denying certain groups their rights while enhancing the rights of others. I would find it difficult to support any legislation that would impose on the freedoms that Canadians enjoy. I feel that religious institutions have been denied a full say in this

debate and in turn have seen their religious freedoms put at risk. I find it worrisome that priests and ministers can be disciplined in refusing to marry same sex couples.

Earlier this year France rejected the marriage of same sex couples because of the effect that same sex marriages have on children. The French published a report that raised many important questions. In the report the commission said that the child represents the future of society. The commission also asked French legislators to ensure that children confronted with alterations in family models be taken into account and not suffer from situations imposed upon them by adults. It added that the interest of the child must take precedence over the lifestyle choices of adults.

This is a stern reminder that children have rights, rights that need to be taken into account. It is a reminder that our personal lifestyle preferences should never take precedence over those of our children.

The last time this issue was before the House our Prime Minister, then Leader of the Opposition, was the only national leader in the House who allowed a free vote. We also saw members of our caucus and then members of our shadow cabinet who voted differently than their leader. I am proud to be a member of a party that believes in the right to uphold one's beliefs.

In this party we support a member's democratic right to vote with his or her conscience. Unfortunately, this right was not supported by the previous leadership of the Liberal Party. Hopefully, the new Leader of Her Majesty's Opposition, along with the leaders of the New Democratic Party and the Bloc Québécois will right this wrong and allow their caucuses to practise their democratic right and allow a free vote on this issue.

A traditional marriage debate is very important to many Canadians. It is an emotional debate that has critics on both sides of the issue. By having a free vote in the House, it is my hope that Canadians will be provided with a sober judgment, a judgment that this Parliament has failed to deliver.

• (2130)

Canadians have put their trust in this House via their elected representatives with the understanding that their democratic voices would be heard. I feel that we should grant them that opportunity on this very important issue. I am proud to stand in this House tonight to defend tradition and to defend my constituents on the very basis of accountable democracy which sees all members of this House as servants of the people and not the masters. We are the ones who take the word of the people and bring it to this House, the highest democratic chamber in the land.

During the last campaign, our party made it very clear to Canadians that we would bring the traditional marriage debate to the House and encourage other parties to have a free vote. Once again our Prime Minister has shown leadership and integrity in his commitment to Canadians. He has shown leadership and set an example of how democracy can and should work in this country.

Government Orders

On January 23 of this year, Canadians gave our party a mandate, a mandate which I talked about and which our Prime Minister is fulfilling. Democracy has not had such an opportunity to live and to grow in this country for quite some time. The last 11 months have been refreshing for Canadians who have witnessed honesty, integrity and accountability in its government. Giving the Parliament of Canada a free vote on the traditional marriage issue is just one of the many examples of the Prime Minister's commitment to democracy in this country.

I am blessed and fortunate that I can stand in this great chamber tonight, in this great chamber of Parliament, and know that I will have the freedom to vote my conscience and the wishes of my constituents on this very important motion. This decision is fundamental to the basis of what this country was founded upon, that marriage is defined as the union of one man and one woman to the exclusion of all others. I ask that all members support this motion.

• (2135)

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I have heard over and over from across the way the term “defending tradition”. For thousands of years women were considered to be chattel. In 1927 women were not considered to be persons in this country. How do we defend tradition?

If we had defended tradition, women would still have no vote. Women would still be chattel and they would still not be considered persons. If we defended tradition, slaves would still be working the plantations within the new world and the new colonies. If we defended tradition, we know that some of the traditions that have occurred in this world are not worth defending.

Countries must move forward. We have moved into an era where we talk about human rights, the rights of the individual and the rights of groups within society to live freely and equally. In societies where minorities groups live freely and equally, those are societies that have order. They live in peaceful co-existence and they are able to move forward and continue to build a nation together.

When we talk about tradition, I would like to ask the hon. member these questions. Would he still have women being chattel? Would he still have women, traditionally over the millennia, continue to have no vote?

Mr. Bev Shipley: Mr. Speaker, this is such a great country that we live in. We have the opportunity to make choices, the opportunity to stand up and debate as we are doing tonight, and to have freedom of expression on issues that are so important to the future of this country because of the basis of what it was founded upon.

The UN talks about, in a declaration on human rights, that what must take priority over the rights of adults, referring to those more vulnerable and requiring the support of the state, are children and they are entitled to the best possible circumstances to be raised.

That is what this whole debate is about. It is about the fundamentals of what this country was based on. It is about the definition of marriage and it is about the union of a man and a woman to the exclusion of others.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, tonight there has been a lot of debate about the motion before the House,

which is not about whether we should reinstate the traditional definition of marriage, but whether we should call on the government to bring forward legislation to address that matter.

I am a bit curious as to why the government would come to Parliament and ask for permission to table legislation. I hope that the member, should this motion fail, would encourage the Prime Minister to table legislation to reinstate the traditional definition of marriage. Does he think that is a good idea? Will he do it?

Mr. Bev Shipley: Mr. Speaker, tonight is the basis of his request. The whole debate is about a definition of marriage and the motion to reinstate the traditional definition of marriage of that between a man and a woman.

I hope he supports the motion. If he believes that to be the true definition of marriage, I hope he will stand tomorrow when we vote and support that.

• (2140)

Mr. Paul Szabo: Again, Mr. Speaker, if the member and his caucus feel strongly about reinstating the traditional definition of marriage, will he not admit that the motion we will vote on will not be the end of it, that the government has the power to introduce such a bill? Will the government introduce such a bill?

Mr. Bev Shipley: Mr. Speaker, the motion we will vote on tomorrow is fairly straightforward. It is the motion is in front of us and it is the motion I will support.

Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, I think it would be appropriate to note, as we have already today, that today is the commemoration of the 17th anniversary of the massacre at École Polytechnique where 14 women were killed by a misogynist, someone who hated women.

It would be most appropriate if the House could come together on this issue.

I will repeat what the member for Vancouver Centre said when she talked about how we fight hatred and exclusion with the weapons of mass inclusion. That is very important, and it is a very significant statement. I hope her statement gets written in the lexicon of Canada and we keep it in mind.

I grew up during the desegregation fight in the United States of America. Politicians in the states made a political career out of fighting against desegregation. They were governors of various southern states and they stayed in office for a long time. I am talking about people like Lester Maddox and George Wallace. Black children were killed trying to desegregate schools.

I bring this up because there was a time when it was okay to discriminate against someone because of their colour or their race. I look to the states in that respect because the most dramatic pictures were presented to me as one growing up in the late fifties and the sixties. We saw dogs going after blacks. We saw police and horses trample blacks. It was okay at that time. There was a long struggle. Civil rights leaders aroused a lot of emotion, Martin Luther King being just one. He paid for his struggles with his life. His speech “I Have a Dream” is very famous.

Government Orders

There was an incredible amount of discrimination in Canada. First nations are an example. It was not until the sixties and seventies that they were allowed to even vote, to have the franchise. We know what happened to Canadians of Chinese and Asian origin. We know about the people from the Ukraine, people who were interned. We know what happened to the Jews and the policy of none was too many. We had a blatant racist immigration policy.

It was all these things put together that resulted in Canada's recognition of the fact that we are a collection of minorities. There is no majority in our country. It was at that time when there was the realization that if one minority's right could be attacked one day, another minority's right could be attacked some other day.

April 17, 1982, was a very historic day, when Canada got its Charter of Rights and Freedoms. It is an important guiding document for us. It acknowledges and it is an answer to the injustices that happened to many people in the past. It gives us guidance for the future.

Fundamental rights are spelled out in the Charter of Rights and Freedoms. This is a living, breathing document. One of the sections in the charter is the equality section. For members who are having trouble understanding the charter, it is the job of the courts to interpret it. The reason for that is very simple. When it comes to basic human rights, we do not want to trust that to the whims of the capriciously elected politicians who will at times exploit it for all the wrong reasons.

• (2145)

I am very disconcerted as to why we are having the debate. We have dealt with this issue. Why are we debating it again?

I will provide a bit of my interpretation, and I alert whatever viewers there are to visit a website, which is dawn.thot.net/harperstiestousa/american_right_report.pdf. It talks about a Conservative movement in the United States and how it wants to control the political process.

We all know that George Bush got elected in the last presidential election because he was able to exploit the whole issue of same sex marriage by trying to pass wrong constitutional amendments on that issue. Lo and behold, he happened to win the state of Ohio without which he would not have been President.

There is also a very good book that I would recommend to my colleagues in the House, particularly on the other side, but mostly to the viewers of this debate. In particular, I want to draw attention to a person who was an employee in the Bush White House. His name was David Kuo. He was working with religious based organizations that were very much assisting the Republicans in the United States to get the vote out.

He wrote a book called *Tempting Faith: An Inside Story of Political Seduction*. It talks about the way the Bush administration referred to the Christian organizations working within the White House as nuts, goofy and people who are to be exploited for political gain. I recommend that book to all members of the House.

There is no question that the reason we are debating this issue today is not because the Conservative Party thinks it can change history or overturn the legislation. It is not going to happen. It might

come as a surprise to the party that most members in the House happen to believe in the Charter of Rights and Freedoms and that human rights and civil liberties should not be left to the capriciously elected.

We have a free vote in the Liberal caucus. If members of the House at any time feel strongly that in their conscience they cannot support a vote, even if they are whipped, they have the right to stand in the House to vote against it and vote their conscience. I need no lectures from the members of the Conservative Party on having the right to vote my conscience. On issues I strongly believe in, I do.

I have another piece of news for members of the Conservative Party. I supported this when I was in the minority, but the majority of Canadians support the legislation and, further, are proud of the legislation. If the Conservatives ever talk about following the wishes of their constituents, which they always bring up, they should understand that their position now is a minority one. Just like the leader who walked with dinosaurs, that is where those folks are going.

• (2150)

Mr. Harold Albrecht (Kitchener—Conestoga, CPC): Mr. Speaker, I listened with interest to the comments of my colleague across the way. I certainly hope he is more discriminating than to think that everything he sees on every website is totally believable.

How can the member be so sure that the majority of Canadians have decided on this issue when his party would not even allow the justice committee, which had travelled all across Canada hearing 465 witnesses and receiving 265 briefs, to present its report?

A member earlier tonight said that we did not really need that input because we should just go with what we have. Why do we even have committees? Could the hon. member address that, please?

Hon. Andrew Teleghi: Mr. Speaker, if he reads the *Kitchener-Waterloo Record*, his regional paper, it is right in the editorial. I have been very much a proponent of same sex marriage. I come from the same region as the member and I have more votes than either of the members who opposed it and the majority of votes supported same sex marriage in the election. They had a lucky split that might not repeat the next time. I think that is important for the member to understand and I suggest that he read the report.

He also asked why we would not continue to debate the issue. I can only say that we did not end desegregation and discrimination soon enough. If the member wants to look at hateful comments, all he has to do is go from the 35th Parliament on and look at comments coming from the Reform Party, the Alliance Party, then the Conservative Party as it relates to gays and lesbians. Be it the hate crime legislation or the identifiable group, Bill C-250, Bill C-41 or the one on equal marriage, he should look at the comments.

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, quite frankly, I found the member's speech hypocritical at best. It is funny that he mentioned so much about the Americans but the Liberals are the ones who have an American keynote speaker. The Ontario Liberals are the ones who have an American keynote speaker.

Government Orders

We listened to Canadians who said that Canada is a nation of minorities. I tend to believe that Canada is a nation of Canadians and I am proud to be one of them. I would further like to ask the member, if he is so certain that the majority of Canadians feel that they have been heard on this, why we are inundated with thousands of letters asking us to revisit this issue and reinstate the traditional definition of marriage.

Hon. Andrew Telegdi: Mr. Speaker, I am very pleased to respond to that question. Most of the e-mails and communication I receive on this issue are organized by fundamentalist churches. That is very simple to explain.

Let me just say that I would rather listen to Mr. Dean talk about how he defeated the right wing Republicans in the United States than listen to a guru by the name of Karl Rove who is emulated by the Conservative Party. When it was the Alliance Party, the Conservatives had a leader who believed that men walked with dinosaurs. I hate to say this but on this issue there are some dinosaurs in this House.

• (2155)

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I wonder if the member, whose has many years of experience here, has had the same experience with regard to the Conservatives who come forward regularly with comments, either overheard or outright comments to me, that the promise by the Prime Minister of having this kind of vote tomorrow is wrong but that they will still vote for it because they feel pressure from that right wing group the member was speaking about.

Hon. Andrew Telegdi: Mr. Speaker, when it comes to the matter of rights, I do not care if the numbers are 10 to 1, I will stand by my conscience and I will vote for what I believe is the charter.

Ms. Olivia Chow (Trinity—Spadina, NDP): Mr. Speaker, we did not need to have this debate when people are dying in Afghanistan, when children go to bed hungry in different parts of Canada and when climate change is threatening our very future. There are many more important issues for us to tackle here in Parliament.

Why are we even contemplating taking away the rights of anyone, the right to love and to make a lifelong commitment, the right to share the challenges, joys and commitments of marriage? What do the hon. members who say they are defenders of traditional marriage think they are trying to prove?

We are in this House to serve the people and to protect the charters and Canadian ideals of equality. We are in this House to serve and to fight injustice. We are not in this House to limit the rights of any citizen.

Gays and lesbians have the right to serve this country. They have the right to serve in the military. They have the right to serve the public as members of Parliament. They have that right, as they should, as they all should. They are not second-class citizens. This is a country that attracts visitors from around the world because we believe there are no second-class citizens. We believe that everyone can lead a life of respect.

Why would any member of the House dishonour Canada's greatest quality and demean this country by calling for second-class citizenship for anyone?

At my own wedding two decades ago, my partner and I called out for recognition of same sex marriage. We could not understand why our gay and lesbian friends could not find the joy of expression, that freedom of expression that we had that day. We did not see same sex marriage as a threat to our marriage or anyone else's. We saw it simply as an affirmation of love.

Since then, we have had the privilege of seeing Canada take the lead in the world. We have taken the lead in this truest test of a society; the dignity and respect we accord all citizens. We have taken the lead and that should fill every member of the House with joy and pride.

I have had the pride and joy of attending many same sex weddings, from the very first one which was performed at Toronto's city hall when I was a city councillor. It was the marriage of Michael and Michael, followed by Alison and her partner. There were tears of joy, of relief and of celebration that finally the couple could stand tall in front of their families, friends, neighbours and the communities and they recognized the respect for the commitment with each other. What a moment it was, the smiles on everyone's faces, radiant to all participants and even to bystanders who happened to walk by. It warmed everyone's heart. How could it possibly be wrong when there is so much love involved?

Some members of Parliament used the UN declaration of rights of children as an example that somehow this is wrong. The UN declaration for the rights of children said that there needs to be housing, food and shelter and the right to be respected. Yes, the right to be respected. Every kid's parents, whether it is mom and mom or dad and dad, should be respected. Children need to feel proud of who they are.

I want to talk about another occasion at Toronto city hall when many Americans came to Canada to get married. It was a joyous and amazing occasion for them to finally have a chance to fulfil their lifelong dream. At one moment someone stood up and started singing O Canada. It just spread. There was that sense of pride among Canadians that finally Canada was standing up for equality.

I wish every member of the House, all the Conservatives and some Liberals, who seem to think that same sex marriage is somehow wrong, would join me in standing up for equality and sharing that love. I ask them to open their eyes, their minds and their hearts because the joyful expression of love and commitment harms no one. It is a positive force.

• (2200)

This debate demeans this House. We must put this matter to rest, as Parliament already decided two years ago and as the courts decided. Instead of taking the time of this House to try to stigmatize loving people, we need to get to work on fighting injustices in our world and stopping pollution. We should not tolerate intolerance. We must remember that if we take the rights of someone else, we jeopardize our own.

We must keep moving Canada forward, not backward. Let us celebrate loving commitments, not demonize them. Let us move on.

Government Orders

Mr. Chris Warkentin (Peace River, CPC): Mr. Speaker, I would like to begin my remarks by commending all Canadians who have had the courage and the diligence to speak to or write their member of Parliament on this particular very important issue. Regardless of their views, their responsible and diligent involvement is vital to the survival of our democracy. It is our duty as parliamentarians to give full consideration to the concerns of those who have sent us to this House to represent them. I thank the many people from Peace River who have contacted me on this issue.

Nevertheless, I recognize that what is popular certainly is not always what is right. Moreover, the fundamental human rights of an individual or a minority cannot be subject to the whims or the discretion of the majority or the vocal or powerful lobby groups.

As parliamentarians, we have a duty to seek what is true and what is just. For that, our constituents expect us to look not only to them for direction but also to the collective wisdom of those outside this brief and narrow intersection of time and space that our lives and our current culture represent.

It will be said that while older traditions provide good guidance, we cannot follow them blindly, and with this I am in full agreement. However, as a society amazed by the speed of our own technological advancement, the greater risk is that we succumb to the naive or vain assumption that revolutionary changes necessarily lead to progress.

The decadence and the decline of previous civilizations in the midst of great material prosperity should always stand as a warning to us. If we dig deep into their histories, we often find beneath the veneer of material prosperity a hollow core, the inner life having gone away.

If we look at the major world religions that still speak to the human spirit, we find that they share teachings of respect for human life and dignity and a sense of self-transcendence.

We do not have to share in these religions' premises or beliefs in order to acknowledge that many of the values they encourage and the wealth of the human experience they contain are valuable.

While we cannot impose a moral or legal code derived exclusively from a particular religious faith, neither can we dismiss reasonable ethical considerations simply because their conclusions happen to be shared by religious faiths or because the people who bring them forward are from those religions.

Given these considerations, I also wish to commend those of my colleagues on both sides of this House and on both sides of this debate who have been diligent, have asked themselves what is right, and have had the humility to seek the best advice and the courage to stand up for the best answer they have found regardless of their political or personal consequence.

I must also say shame on any of us who put our own political and personal interests ahead of those of our fellow citizens, especially those who are the most vulnerable: our children and our children's children.

Shame on any of us who denigrate or dismiss the contribution of our fellow citizens on either side of this issue simply because they are guided in their consideration by their religious faith. If the

reasons they put forward are reasonable, let us listen to them, whether we share their religious faith or not. To do otherwise would clearly demonstrate a lack of objectivity, if not radical bigotry.

For those of my colleagues whose opinion differs from mine, I wish to briefly outline why I consider it vital that we give full consideration to this matter and further reconsideration to the issue of marriage, despite the divisiveness that it might bring.

First, however, I should note that this would not be the first time the House has reconsidered this issue. On June 8, 1999, the House voted overwhelmingly, 216 to 55, to maintain the definition of marriage as a union between one man and one woman.

● (2205)

Second, I should add that this is not necessarily the last time that our society will consider this issue. Within months of Parliament's 1999 vote, lower court rulings extended the definition of marriage to include same sex relationships, but in 2003 the government of the day decided to stop the appeals process on the issue, essentially tying the hands of Parliament and the Supreme Court of Canada on being able to reinforce the 1999 decision in the House. Although the justice committee conducted cross-Canada hearings on the issue in 2003, it never reported those findings back to the House.

When consultations were cut short, the Canadian Parliament voted to change the definition of marriage. In that vote, many members of the House were forced to follow a party line. Moreover, many members of the House made decisions and still maintain their positions based on a mistaken assumption that the Supreme Court has ruled in favour of same sex marriage.

Even this week, I have heard the same misleading references to the need for the use of the notwithstanding clause should the current legislation be revisited. The Supreme Court has never stated that preserving marriage as a union between one man and one woman contravenes the Charter of Rights and Freedoms. While lower courts have made rulings on this matter, these rulings have never been tested at the Supreme Court level.

Most important, none of the lower court rulings have considered children's rights. Moreover, there was no mention of children in the previous government's reference to the Supreme Court and none in the reply. Thus, the marriage law was changed without giving any consideration whatsoever to the rights of children.

In stark contrast, the French National Assembly studied this matter at great length and published a 450 page report in January of this year that took a position opposite to Canada's. It did so exclusively to protect the rights of children. It cited the UN convention on the rights of children, signed by Canada in 1991, which clearly states that, to the extent possible, every child has the right to know and be raised by its mother and its father.

This summer, something happened to me that changed my life. I became a father. I am sure that I do not have to tell members that when a new life comes into one's home, everything changes. Suddenly the most important thing in my life is the protection of my daughter.

Government Orders

I know that any parent in this chamber tonight can relate to the fact that when we bring a new child home from the hospital, the main preoccupation of any new parents is to protect that child from any harm, real or imagined. I have to say that for the first number of weeks I was a little nuts. There was no question that my daughter was my pride and my joy and any thought that she might come into harm's way ripped my heart out.

That is why, as a new member of Parliament who was not here for the last debate, I cannot believe that the previous government never considered the effects that this decision might have on our nation's children. In its haste to push the issue through, the previous government forgot to consider the impact that this change might have on our children. There was no study done. There were no meetings held. No experts were called as far as our children and the rights of children were concerned.

I do not mind if hon. members call me a paranoid new father, but I strongly believe that we have a responsibility to the most vulnerable and the most valuable citizens to at least consider what is in their best interests. There has to be a collective desire. Where is our collective desire to ask the questions that need to be asked? Other countries have done so. Why cannot we?

I would ask my fellow parliamentarians, my colleagues who are also parents, grandparents, aunts and uncles, to join with me and ponder why we do not have the time to consider our children. I am not asking for a divisive debate. I am not asking for long and drawn-out consideration. I am simply asking for a chance for our children to be represented in the discussion. It was missed the last time this issue was brought to the House for debate. We have to rectify that by opening up this issue, like France did, and examining the impact that this change may have on future generations.

In the same way that my heart is dedicated to ensuring that my child is protected, our collective heart should be set on ensuring that our nation's children are given a voice in this debate.

• (2210)

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, I have heard a lot about children here. In many of the speeches I made in the House, children were in fact one of the prime focuses. I talked about the rights of the child, but actually the difference is that I talked about the rights of all children, all Canadian children, regardless of who their parents were.

If we are going to pick and choose the children that we give rights to, then we do not really care about children as a whole. We only care about the kinds of children who come from the kinds of parents that we think are worthy.

Who are we to decide what children are worthy? Either we believe in children and we love children or we do not believe in children and love children, all children. Every single child in this country deserves the right to be equal under the law and deserves the right to know that his or her parents can be married. When I hear about children, I become very concerned.

What about the marriages of those people who cannot have children? What about heterosexuals who do not have the ability to have children? Should their marriages be annulled? I would like to ask the hon. member that question.

Mr. Chris Warkentin: Mr. Speaker, obviously there is no question that the hon. member across the floor believes that children should be protected. That is why I brought this debate forward: because I do not believe that this was considered the last time it was debated in this House.

I believe that we have to reconsider why we, as Canadians, would sign on to the UN declaration in 1991, which said that we believe that all children should have the right to know their parents, both mother and father, and be raised by both their mother and their father.

To whatever extent possible, I think we need to consider what ramifications this issue might have on children. Obviously the French government believed that it was necessary to consider that issue.

Does the hon. member not believe that children have a right to know their mother and their father and the right to be raised by their mother and father? I do not know the answer, but I am sure that if we open this issue and look at it, we will come to some conclusion on this issue.

Mr. Mike Lake (Edmonton—Mill Woods—Beaumont, CPC): Mr. Speaker, in my riding of Edmonton—Mill Woods—Beaumont, a significant majority of my constituents have loudly and clearly reinforced my decision to support traditional marriage when we vote tomorrow.

As the hon. member knows, we have a few members in our own party who have made the decision, for a variety of reasons, to vote against this motion. Tomorrow they will vote against it, but what will happen after that is what illustrates the key difference between us and the other parties in this House on this important issue. Cabinet ministers will not be forced to resign, as it was in the Liberal Party. Our colleagues will not be run down in nominations, as Bev Desjarlais was in the NDP the last time around.

I have one question for the member. How legitimate would this vote be tomorrow if we whipped our members to vote with the rest of the party, especially in light of the absolute sham of a vote imposed on this House the last time around?

• (2215)

Mr. Chris Warkentin: Mr. Speaker, there were certainly a lot of feelings on the past vote on this issue. Obviously there was a desire to ram the issue through without having gone through the comprehensive studies that I believe are important, comprehensive studies that would have investigated the effects on children, studies like those the French government has been involved in.

Certainly I believe that is one of the issues that was certainly neglected in the past, but there was also the issue of the whipped vote. I believe that this is an issue on which Canadians must be represented. From my constituency, I have hundreds and hundreds of letters, if not thousands, that have asked me to vote in favour of this motion to reopen the definition of marriage and to bring back the traditional definition of marriage. Certainly I believe that it is important for all members of Parliament to respond to their constituents and represent them on this issue.

Government Orders

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, until June 2003 there were a number of cases before the Supreme Court and other courts and provincial courts which sought to get equality for same sex couples to be married. Each and every decision was that there was discrimination in terms of the equality provision of the charter, but that section 1 was an override. That section 1 override said that it was demonstrably justified in a free and democratic society.

It was not until July 2002 and the case of *Halpern v. Canada*. The Ontario Supreme Court heard this case on the existing definition of marriage. Only a year earlier a same sex case had come before a B.C. court, which was before this Ontario court case. One said it was demonstrably justified and that the discrimination was justified.

I remember being at Canadian Forces Greenwood in Nova Scotia on a parliamentary exchange and I was in my bed reading the decision in the *Halpern* case and it was very difficult to read. Effectively, the case discredited heterosexual marriage by citing divorce rates and growth in 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, just to name a few.

By the flavour of the court, the case and the arguments being made, all of a sudden we were 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 where it might tip the balance in terms of the section 1 analysis in the charter, in other words the section 1 analysis which allows one to discriminate.

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 social well-being of Canadians, which in fact is one of the reasons that we are here. It is to protect the health and well-being of all Canadians, especially our children, so I would absolutely disagree with the decision in *Halpern* which was the tipping point. Members will know that subsequent to that Ontario Court of Appeal decision, eight other provinces went along with copycat decisions basically making it discriminatory.

We know how we got here. As a consequence of that, Bill C-38 came to the House, but it was not an action of a government; it was a reaction of a government to judicial proceedings and to judicial decisions. There is no question that we were faced with a situation that the definition of marriage was deemed to be discriminatory and the section 1 analysis did not save it in that particular case.

The motion before the House is:

That this House call on the government to introduce legislation to restore the traditional definition of marriage without affecting civil unions and while respecting existing same-sex marriages.

The Ontario Court of Appeal decision that denied marriage to same sex persons was in violation of the equality provisions of the Charter of Rights and Freedoms. This decision was also reached in another eight provinces. In the reference to the Supreme Court, the important aspect here is that the court concurred with the conclusions of the lower courts. It absolutely concurred. In fact, the Supreme Court decided and it made a decision in the reasons for judgment that it would not overturn the decision in those courts.

All of a sudden it was the law in Canada that the government could not discriminate by excluding same sex persons from being married. It is the law today.

To introduce a new bill, which this motion proposes, to reinstate the traditional definition would not in fact be charter-proof. It would not be charter-proof and it would be challenged by the courts not only federally, but in the nine provinces where it is law today. This is the opinion of over 150 eminent constitutional authorities.

It is estimated that these cases would take seven to 10 years to work their way through the courts. This thing would be with us forever and this is just not acceptable.

• (2220)

Not only would such a bill be unconstitutional, but the motion deals with civil unions which are a provincial jurisdiction. In addition, it would create two classes of same sex couples, those who could marry and those who could not. Their children could not marry but the children's parents or their guardians would have been married. It is a very awkward situation.

As a legislator, not as an individual who wants to just take care of my own values and my own issues, but as a parliamentarian, I have to vote against the motion. The reason I have to vote against it is clear. The motion is improper. It is asking Parliament to undertake a legislative process which is unconstitutional. It also asks us to deal with something that is beyond federal jurisdiction. Technically it is wrong.

We say a prayer when we start here in the morning that we are here to make good laws and wise decisions. We cannot. As a matter of fact, if the motion were simply as was promised during the election campaign by the Conservative Party to reopen the debate on the definition of marriage, I could vote for it. But this motion was a little clever by a half and it spoiled it for a lot of people. The motion now before us really is disingenuous and it really is only to satisfy an election promise and would surely fail in its present form. The government knew that. That is my view.

Today during the debate on the motion, I asked the government House leader if he would just simply forget this motion and table a piece of legislation to reinstate the traditional definition of marriage. The question was not answered and yet the Conservative Party form the government. It does not need the approval of this place to table a piece of legislation. I say table it if it can.

Government Orders

Constitutional experts have said that a piece of legislation cannot be tabled that would summarily change the definition back because it would be constitutionally invalid. It is not charter-proof. The only way, and I said this when I gave my speech on February 21, 2005, is to invoke the notwithstanding clause. In my speech on February 21, 2005 on Bill C-38 I concluded, and I want to read it into the record:

Finally, I believe that the redefinition constitutes a radical societal change. It may not have immediate societal consequences, but over time it would have enormous implications. This is not just about the infringement of rights of gays and lesbians. It is also about the diminishing the relevance of the most important social institution in 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.

Let me assure the House that my opinion is still the same today.

Unfortunately, the motion before this place is not whether or not I support the traditional definition of marriage; it is whether or not I think the government can table a piece of legislation to summarily change it. Constitutional lawyers have said it cannot. The only way it can be is to invoke the notwithstanding clause and the Prime Minister has said he is not prepared to do that. We are now at an impasse.

I will write to the Prime Minister and I will ask him to either invoke the notwithstanding clause or introduce another bill in this place to get the Government of Canada out of the business of marriage and leave it to the churches.

• (2225)

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, I listened with great interest to what the member had to say. I would argue that his words in 2005 were exactly correct. There was no need to rush Bill C-38. We did need to look further into it. That is what this motion seeks to do.

If the member believes those words from 2005, why will he not support this motion and help those of us who wish to reinstate the traditional definition of marriage to do so?

Mr. Paul Szabo: Mr. Speaker, the member needs to listen and to think. I said very clearly and laid out in great detail that a piece of legislation which simply changes the definition of marriage back to its traditional definition of a man and a woman to the exclusion of all others would not be charter-proof and would not be constitutional. The notwithstanding clause would have to be invoked. That is the opinion of eminent constitutional experts. This is the impasse we are faced with here.

There are members here who understand what is at stake. This is not a game to be played. I believe very firmly that there is a way to do this but we need to get past a motion which has technical flaws and a motion which asks Parliament to do something which is unconstitutional. This is inappropriate. As legislators, we have to vote against this motion.

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I want to call the member's bluff. He is very strongly in favour of traditional marriage, and I appreciate, value and honour the member for that.

Because the motion before us does not say we will invoke the notwithstanding clause does not mean that it is automatically unconstitutional. The motion says very clearly that the House should revisit this issue. That is what is before the House.

Why the member is even contemplating not voting for it to at least give it a last chance at life is a mystery to me.

Mr. Paul Szabo: Mr. Speaker, it is not a motion to revisit. The member should read the motion. It is a motion that calls on the government to introduce legislation to restore the definition of marriage. That bill cannot be introduced without facing a charter challenge.

A bill is not introduced to invoke the notwithstanding clause. That is the purview of the governor in council. I think the member is mistaken.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, a pair of my constituents wrote to me regarding this issue and wanted the debate reopened, unlike the many letters I received last time. I will tell those constituents that there was a lengthy debate on this. It was one of the longest debates on any law in the history of Canada. Detailed arguments on both sides were outlined very clearly. Constituents can read those debates. There are many people on both sides of the issue who just do not want to rehash the same debate all over again. It has been done, a very divisive debate in Canadian society.

The other thing is that it is straightforward in the laws of Canada now, in the charter, that one cannot discriminate or treat Canadians unequally. The only way around that is to change the charter and there is no party in the House of Commons that wants to do that.

I agree fully with my colleague's analysis of this particular motion. In fact, I was thinking of asking the Speaker to rule it out of order for the same reason in that the motion asks to do something which has already been proven by the Supreme Court to be unconstitutional. Why would we embark on this when the Prime Minister said he would not invoke the notwithstanding clause?

Mr. Paul Szabo: Mr. Speaker, the last word from me will simply be that if we want to move forward on this motion, which may or may not in some people's view, and I will respect their opinions, have some technical difficulties or reasons that it should not happen, my recommendation would be for the government to table a bill in the House as soon as possible to reinstate the traditional definition of marriage.

• (2230)

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I very much value this opportunity to speak on this very important subject. Tomorrow the House will vote on whether to reconsider the issue of same sex marriage. The motion before the House affirms the traditional definition of marriage while at the same time defending the charter rights of those wishing to live in same sex relationships.

The tragedy is that had the former Liberal government properly consulted with Canadians on this issue, we would not have to have this debate tonight. The Liberal performance on this highly contentious issue has been appalling. Rather than listening carefully to Canadians and then allowing a completely free vote by members of this House, the Liberals instead rammed Bill C-38 through in order to avoid any further scrutiny.

Government Orders

What is even more appalling is that the prime minister of the day, the member for LaSalle—Émard, forced his cabinet and parliamentary secretaries to vote against their consciences and against the wishes of their constituents. Shame. Sadly, it appears that nothing has changed. There is a new Liberal leadership, but still the same bullying tactics.

In fact, the new leader from Saint-Laurent—Cartierville voted in favour of the traditional definition of marriage just seven years ago. In 2005, he voted against the definition of marriage. Yesterday, he implied that all Liberals would have to vote against the traditional definition of marriage. Today, he says they will not.

This is embarrassing, not only to the Liberal leader and his party but also to Canadians as a whole. Canadians demand transparency. They demand clarity. They demand freedom of conscience and they demand a democratic process, things they were not getting from the previous government.

Today, under a new Conservative government, we are delivering on a promise which we made to Canadians during the last federal election. We promised a truly free vote on the definition of marriage and today we are delivering on that promise. It is indeed sad that a number of the opposition parties have refused to allow the same thing for their members of Parliament.

To any Canadian who respects the democratic process, this vote is absolutely necessary and perhaps the crux of this is respect. That is why we are having this debate tonight. The previous government lacked respect for the strongly held convictions of millions of Canadians. There was a lack of respect for beliefs held by people of faith all across Canada. There was no need to change the definition of marriage in order for gays and lesbians to establish meaningful, long term relationships that are recognized in law.

However, the previous government decided to move ahead anyway without consulting Canadians in a meaningful way. In the process it has divided the country when it was totally unnecessary to do so. By redefining the term "marriage" we tell people of faith from all religions that their opinions, their freedom of conscience and speech, and their strong convictions are not important in the public debate.

This debate tonight is about respect. We are not asking to re-open this debate because it polarizes Canadians. We are asking to re-open this debate because the issue was not settled by Canadians, it was dictated to Canadians.

This is not an issue of protecting charter rights. This motion is very clear. It recognizes the traditional definition of marriage while at the same time respecting the rights of all Canadians to enter into legally protected same sex relationships if they so choose.

Unlike the previous vote on June 29, 2005, our government has proclaimed that this vote on marriage will be a free vote to all government members, including cabinet ministers and parliamentary secretaries, but the freedom that prevails in the Conservative Party has not unfortunately been afforded to everyone in this House. That is the tragedy of tonight's debate. Something as important as defining one of the cornerstones of our society, namely the definition of marriage, will not receive the consideration that it is entitled to.

● (2235)

Bill C-38, which originally changed the definition of marriage to include same sex relationships, was conceived in haste, promoted by stealth, and passed undemocratically by the previous government under a whipped vote.

I was not present in this House when this issue was last debated. I have read some of the speeches and statements made on both sides of the issue. I believe that all of the reasons against changing the definition of marriage were well articulated by many of our members while Bill C-38 was debated and I do not think I need to recapitulate all of those reasons here tonight, but I do want to say a little about my own community of Abbotsford, British Columbia.

Abbotsford is a multi-ethnic and multi-faith community, incredibly diverse and incredibly tolerant. This is a community that has temples and churches. It has communities of all faiths. I carried out a survey in my community. In the survey that I conducted, an overwhelming majority of my constituents believed that this was a very important issue, and they let me know in no uncertain terms that they believed we should return to the traditional definition of marriage.

During the last election, I made my position and my support for the traditional definition of marriage very clear to the people of Abbotsford. That is why I am completely at peace when voting in support of this motion which is to reconsider the issue of redefining marriage, to return that definition to the union of one man and one woman, to the exclusion of all others.

Of course, the previous government did not want to listen to people who did not share its thoughts on marriage. It showed a lack of respect and a lack of respect for people of faith. That is why we are debating this matter tonight because, for most Canadians, especially those who embrace religious convictions, this issue is not closed.

Same sex couples may enter into whatever manner of relationship, arrangement or situation that they may desire, but they should not call it marriage because that is a concept that has been clearly understood for millennia. Same sex couples, whether as a couple or as individuals, possess the same democratic and economic rights as any other Canadians in our society. In fact, given the high level of tolerance and acceptance in our society, gays and lesbians can hardly be considered disadvantaged or lacking any of the rights and freedoms that all Canadians take for granted.

Government Orders

I took the liberty of reviewing the same sex reference case, which was a Supreme Court of Canada decision on this very issue. My friend across the way suggested that it is now established law that we must redefine marriage as including same sex relationships. I studied that decision very carefully and the member across the floor will know that the Supreme Court was asked four questions. It answered three of those, one of them being whether it would be against the charter to actually redefine marriage as including same sex relationships. However, the third question the Supreme Court of Canada deliberately chose not to answer, and that was, if we retain the traditional definition of marriage, is that a violation of the Charter of Rights and Freedoms? The Supreme Court could have ruled on that. It had the opportunity. In fact, it chose not to, clearly referring the matter back to this House of Commons, the duly elected representatives of this country.

It is on that basis that I can fully support this motion. I believe in the traditional definition of marriage, that we can retain that without violating the charter, provided that we have legislation in place which also protects the rights of same sex couples to enter into civil unions.

• (2240)

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, if this motion were to pass, we would create two different categories of same sex persons in this country: one group who are already married, as one group would be grandfathered by this motion, and another group who cannot be married.

I would like the hon. member to tell me, does he not see this as being a challenge under the charter, when a group of people can have two different sets of rights and there is absolutely no logical or legal reason for denying the other group the same rights? This in fact contravenes the charter. Could the member explain that to me?

Mr. Ed Fast: Mr. Speaker, I believe the member totally misunderstood the motion. I would be surprised if she had read it with that kind of question. In fact, the motion makes it very clear that we are looking for the protection of the rights of all Canadians whether they are married or they enter into same sex relationships.

What the member does not understand is that a large majority of Canadians, when polled on the question, have responded by saying that they are totally in favour of retaining the traditional definition of marriage provided that the rights of all others are protected who may not choose that kind of relationship.

I want to assure the member that if this motion passes in the House, I am absolutely confident that we will bring forward legislation which will address the needs of those who do not want to be married in the traditional sense of the word.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, the member spoke frequently about people of faith, but I want to ask him a question about people of faith who do support the change that was made to the definition of marriage with Bill C-38. There are religious institutions in Canada that do support marrying gay and lesbian couples, whose definition of marriage includes gay and lesbian couples.

Would he take away their freedom of religion to express that inclusion of gay and lesbian couples in marriage? They have through strong religiously held principles made that decision to marry gay

and lesbian couples, to allow them, to allow us to enter into marriage.

Would he undo their ability to do that? Would he strip away their freedom of religion in order to re-establish a so-called traditional definition of marriage that does not include gay and lesbian couples?

Mr. Ed Fast: Mr. Speaker, the member knows very well that the motion actually addresses that issue in clear and no uncertain terms. In fact, the motion says that existing same sex marriages will be respected in whatever legislation that we bring forward. I know he is very upset. He does not like to hear the truth because he has a fixed ideology that he is not going to diverge from.

We have put a lot of care into crafting this motion to ensure that the charter rights of all Canadians are respected in their entirety. I believe this is a motion that is going to protect religious rights. We are not taking away the rights of those who believe that their marriages should be respected. We are saying that we believe that the traditional definition of marriage which has existed for millennia should be maintained and coupled with other legislation that will do the same thing, but not require a redefinition of the traditional definition of marriage.

The Acting Speaker (Mr. Andrew Scheer): I know it is getting rather late in the evening, but there was quite a lot of noise during the last response. I would ask all hon. members to respect the speaker and respect the person answering questions.

The hon. member for Thunder Bay—Superior North.

Hon. Joe Comuzzi (Thunder Bay—Superior North, Lib.): Mr. Speaker, needless to say, I have the greatest of respect for you and your position, although I got you confused the other day, for which I apologize.

I have been here since around 5:30 p.m. or 6:00 p.m. I have listened as best I could to all the folks who made interventions tonight, well thought out presentations. I was very impressed with the sincerity of all the presentations. I compliment every member of the House who made a presentation here tonight because of their interest, their input and particularly the sincerity with which they talked. I think they all deserve a great round of thanks.

The constituents of Thunder Bay—Superior North, as well as myself, support the traditional definition of marriage as between a man and a woman.

Bill C-38 became an act respecting certain aspects of the legal capacity for marriage for civil purposes. It was passed in June 2005. I happened to not be in favour of that legislation and I voted against it. However, the fact of the matter is the majority of the people in the House voted for that legislation and it became the law of the land.

There are many times and many occasions that we sit in the House and wish it would go some place else, but it will not. The final determination and the role of all members of Parliament is we have to accept those occasions where our wishes are not looked at with the degree of sincerity that we think they should be, but we live with the majority ruling of the House. Today we are faced with the law of the land.

Government Orders

First, the motion in front of us, and I have asked this question several times, asks the permission of the House to bring in a particular piece of legislation. It is the first time, in all the years I have sat here, I have seen a government ask for permission to bring in legislation, although I stand corrected on this.

I always thought the government, if it were truly intent on getting something properly passed, would bring in the legislation, it would be debated, it would go to committee, it would come to second reading, it would go back, it would come back for third reading, like all legislation should. I say this and I stand perhaps corrected, but I have never seen this happen before, and I wonder as to the wisdom of this type of motion.

Second, as we debated the motion, I found out that it did not allow for any amendments. I cannot understand why, when people in the House come together and debate as we have tonight, we do not have the opportunity to make some amendments to get a reconciliation of our thoughts so we can come down to good legislation.

An hon. member: You guys agreed to it.

Hon. Joe Comuzzi: I heard that remark, Mr. Speaker, but I do not recall ever being told about amendments. As a result, that was why I made the observation about being unable to bring amendments to this.

We are all tired, it is almost 11:00 p.m., and I think a lot of us have not had the opportunity to leave. Therefore, I leave two issues. First, it is the first time I have ever heard of a motion asking for permission to bring in legislation. Second, we do not have the ability to bring in amendments to a motion that should pass.

• (2245)

Let me close by saying that the constituents I represent in Thunder Bay—Superior North, as well as myself, still support the traditional definition of marriage as between a man a woman. However, for the reasons that I stated, there is political opportunism here that I do not think should be counselled by the chamber and I would hope members would reconsider their position on putting forward this motion tomorrow.

• (2250)

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I have the highest respect for the member and I always have. Among other things, he is the oldest member in the House. By the very virtue of that, we have to respect him because we are supposed to respect our elders.

I am sure the member will remember, and I do not know what year it was, a number of years back when the issue of capital punishment came up. At that time, the government of the day put forward a motion that asked whether the House wanted to have it considered. The motion was very similar motion to this one.

I also challenge the member. If this motion is defeated, it basically shuts the door. If this motion is passed, then it opens the door so the whole issue can be reconsidered. I urge the member to therefore vote in favour of this motion so it does not die due to a lack of interest by the House.

Hon. Joe Comuzzi: Mr. Speaker, my hon. friend referred to age in the House. I know he must be much younger than I, but I do not

recall sitting in the House for the last 18 years and the death penalty being debated. I am not referring to my colleague's age, but I think that was during Mr. Diefenbaker's time.

Mr. Ken Epp: That was a long time before. That was before you and I were here.

Hon. Joe Comuzzi: I yield to the member's knowledge, but during my time in the House, I have never heard the government ask for permission to bring in legislation.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I know the member took a personal, strong stand in the debate on Bill C-38 and resigned from his position in the cabinet because of his feelings about that legislation. Does he have any sense that due diligence was not given to the legislation in the 38th Parliament?

We have heard a criticism today that somehow the bill was rammed through, that it was not given the proper attention. Does he have any sense about the diligence with which Parliament dealt with that legislation?

Hon. Joe Comuzzi: Mr. Speaker, a lot of things were happening at that time and a lot of pressures were coming from all corners. I thought the legislation was well presented and well debated. Everybody had an opinion. There was as much intensity involved in that legislation as I think on other issues that had a moral consequence for the people of Canada. I thought the whole process at that time was as good as I have seen.

I have no other comments to make other than to say it was legislation presented and debated in the House, sent to committee and came back for second reading and third reading in its proper form.

Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC): Mr. Speaker, I must draw this to the attention of my hon. colleague's and other members of the House. Every member of the House, even those elected as recently as January, have already been present for quite a number of motions asking to bring in legislation. They are called ways and means motions and every member in the House has been here for numerous of those. The hon. member, who is a long-serving member, has also been here for those.

I realize we do not all read books, but I am informed that is the express intent of a ways and means motion. It asks permission to bring in legislation, and we have all been here for that. Even the recently elected MPs as of January have been present for numerous ways and means motions, and that is the very intent of what we have before us this evening.

Hon. Joe Comuzzi: Mr. Speaker, maybe members of the opposition would request to bring in legislation, but I cannot recall where the government of the day would request our permission to bring in legislation. Who knows?

If we can establish something, let us stop referring to age in this discussion. That is the most admirable group of rookies I have seen in a long time. Maybe we should drop that subject in the conversation.

However, I do not recall anything where the government of the day does not bring in the proper legislation.

Government Orders

• (2255)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, Canada has a Charter for Rights and Freedoms of which we are all very proud. It is part of our Constitution. What we are debating today in the general sense would be unconstitutional. It would be illegal .

As passionate as people feel on any side of this, there is no use in debating it as it would be breaking the law. It would be unconstitutional under the present Constitution, of which many, if not all, parliamentarians are very proud. Certainly our party will stand by and defend the rights of the people of Canada as defined by the Constitution.

There are two particular rights in the charter that are pertinent to the discussion we are having tonight. One is the right of religious freedom. My colleague from the NDP referred to it. However, on the other side of the coin, the Supreme Court has always protected freedom of religion. Churches can choose not perform same sex marriages, and that gives respect to the right of religious freedom.

On the other side there is the right of equality. All Canadians have to be treated equally. That is a right under the Constitution, so we cannot make a law that denigrates that right by treating Canadians differently.

The one way to achieve that is to amend the Constitution. It is parliamentarians and not judges who make the law. Parliamentarians wrote the charter and the Constitution, and those can be amended. That is open to any party to propose in the House of Commons. At any time, any Parliament could move to change that.

I am quite proud that all the parties in this Parliament, in the House of Commons, have said they refuse to do that. They refuse to change the Charter of Rights and Freedoms because all Canadians should be treated equally. I am proud members of Parliament have made that decision on the charter. For that reason, this debate should not proceed because it could not result in a legal outcome.

In closing, I am proud of parliamentarians from all parties for refusing to override the rights of small groups and minorities or the rights of any Canadian to be equal. I will stand by that as my input to the debate.

Mr. Ed Fast (Abbotsford, CPC): Mr. Speaker, I appreciate the member's comments, but I do have a question for him.

I heard him repeat again what we have heard before in this chamber on this issue, and that is that somehow it is against the Charter of Rights to leave the definition of marriage as being the union of one man and one woman to the exclusion of all others.

He talks about the opinions he and his party have received. Is he aware that there are numerous eminent constitutional scholars who disagree with them quite vehemently. They have actually stated that retaining the traditional definition of marriage is no such violation of the Charter of Rights provided there is substantial legislation to preserve the rights of same sex couples to be united in a civil union?

I would remind him that different groups in our society have special rights, where there is not an equality of rights. I look at our first nations. They have the food ceremonial and social right to fish. We do not scream bloody murder about that. We do not say that is a violation of the Charter of Rights. It is constitutional. There are many

other instances like that, so there is legal opinion on the other side of the debate.

Has he investigated those opinions himself?

• (2300)

Hon. Larry Bagnell: Mr. Speaker, I would be happy if the member could come up with a valid example. First nations people have inherent rights. Affirmative action rights are allowed in the Constitution.

I also would be happy if he could table the opinions of those experts. The last time we had this debate, which was the longest debate in Canadian history, every judicial expert in Canada and dozens of academics who were credible on this topic, agreed that such a law was unconstitutional.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I want to quote a section of Bill C-38. Clause 3.1, which is an amendment that was added to the legislation over the course of the hearings of the legislative committee, states:

For greater certainty, no person or organization shall be deprived of any benefit, or be subject to any obligation or sanction, under any law of the Parliament of Canada solely by reason of their exercise, in respect of marriage between persons of the same sex, of the freedom of conscience and religion guaranteed under the Canadian Charter of Rights and Freedoms or the expression of their beliefs in respect of marriage as the union of a man and woman to the exclusion of all others based on that guaranteed freedom.

Does the member for Yukon have any reason to believe that section is not effective, that these guarantees have not been met and that there has been any problem whatsoever since the bill was passed with guaranteeing the freedoms as outlined in this clause in Bill C-38?

Hon. Larry Bagnell: Mr. Speaker, I am not personally aware of any examples where there has been a problem. However, it is a huge balancing act when we have two separate rights, the right of religious freedom and the right of equality. It is almost inevitable that there will be some clashes of these rights and overlap. It will require the good and sensitive judgment of Canadians. Canadians have a great history of coming up with solutions to difficult problems. As much as possible, each right must be given the respect it deserves. We will leave that to the leaders of this country. Hopefully they can keep making the decisions as they have been and not lead to problems.

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, we have heard many people speak about the letters they have received. I have received hundreds of letters from across the country and about 40% of them have been from heterosexual couples. What should I say in response to one such heterosexual couple who wrote that, "The value of my marriage will be depreciated not enhanced if it is again to be restricted in our nation to a privileged class of heterosexual participants instead of being a right of all Canadians"—

The Acting Speaker (Mr. Andrew Scheer): The member's time is up. The hon. member for Yukon.

Hon. Larry Bagnell: Mr. Speaker, I was involved in the first such marriage we had in the Yukon. I remember hearing another member say today that he had a discussion with a couple who were policewomen. He said that the joy, peace and celebration that this couple felt was the same as any other couple he had ever met. Why would anyone want to deprive any couple from having that?

Government Orders

Mrs. Lynne Yelich (Parliamentary Secretary to the Minister of Human Resources and Social Development, CPC): Mr. Speaker, I was surprised to hear this evening that hon. members across the way are upset that this is coming in by way of a motion. Going back to 2000, I never had so many letters in my parliamentary life on an issue that was so important and dear to the heart. People who are writing, faxing and phoning me now asking me to preserve the traditional definition of marriage are not caught up in whether it is a motion or whether it is a piece of legislation. They would just like to see a free vote in the House and that, hopefully, members will be representing their constituents. I just wanted to make that as a point of clarification.

● (2305)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, this is problematic when we go through so much debate and then somehow there is still confusion about what we are talking about and what we are voting on. The motion is clear. The motion is not to reinstate the definition of marriage. The motion is for Parliament to call upon the government to introduce legislation that would reintroduce the definition of marriage. The vote tomorrow is not the same as the vote on Bill C-38, which was to change the definition of marriage. It is a procedural motion.

I am afraid that when we have this kind of intervention, people who are watching tonight or who will read this will be asking whether the vote going on in Parliament today is the same as the vote that was held on Bill C-38 which was a bill that actually did something. The answer is no, that this is a procedural motion and it is not necessary. In fact, the Conservative members have said consistently that there is no constitutional problem with the Supreme Court and we should just bring in the bill.

Maybe the member would like to suggest that the government bring in a bill.

Mrs. Lynne Yelich: Mr. Speaker, I know the member is very passionate about preserving the traditional definition of marriage. If he supports this motion, we could do just that. I look forward to watching the member vote in favour of debating this issue properly and openly and to having a free vote in the House of Commons.

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, does the hon. member appreciate the fact that this is a free vote in our party? Would she call on all parties to recognize that this is a free vote?

We all know that Bill C-38 was not a free vote. It was a whipped vote. We brought this motion forward because we wanted to give all members, including the opposition members, an opportunity to vote their conscience.

Does the member appreciate that this motion is a free vote and does she believe that if this motion is passed it will restore the traditional definition of marriage?

Mrs. Lynne Yelich: Mr. Speaker, I was here when the vote took place last year and it was unfortunate that the government of the day had about three rows of ministers, parliamentary secretaries and secretaries of state who were whipped, so there were very few members who could vote freely. I do not know how the backbenchers voted but I have some good quotes from many members of the Liberal Party at that time and some of them are

pretty telling of how they felt about the traditional definition of marriage.

Today's motion is about bringing the issue back, opening up the debate and then allowing a free vote. What I appreciate about our leader is that he has offered an open debate on the issue to this House and to the many people who are watching this debate tonight. The member for Mississauga South thinks that this motion is nothing but it is a big issue in my riding, and bigger than what he suggests.

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, I do not like to disagree with my colleague from Mississauga South, but gay and lesbian people watching this debate tonight know what this debate is about. This debate is about our full participation and our full citizenship. It is about our access to a key institution of Canadian society. It is about whether or not we are full citizens of this country.

We can say that there is a technical argument to be made about this motion but the reality is that we are debating yet again whether we have full rights of citizenship and whether we are equal citizens in this country. No gay or lesbian person watching this debate tonight has any other impression about what this debate is about other than our full participation in this society.

● (2310)

Mrs. Lynne Yelich: Mr. Speaker, a lot of legislation that I thought was finished keeps coming back to this House, such as the one we will be debating in committee tomorrow called replacement worker legislation. These things come and go. We just want an open debate on this topic as that bill has come back to the House.

From the letters, faxes and telephone calls that I have received and still do receive, this issue has not quite been put to rest. It is still a very important issue to the church that I attend. It is brought up many times. I will be making calls later this evening trying to explain to my people what happened here this evening in this debate.

Mr. Dave Van Kesteren (Chatham-Kent—Essex, CPC): Mr. Speaker, I too would like to make a brief presentation of my own feelings and that of my constituents as well.

I am a new member, as are many of the members here. When I first sought election in 2004 this issue was one which my constituents were really not aware of. There was some indication that there would be a vote. At that time the member of Parliament in my riding indicated that he would vote with traditional marriage, but that was not the case. As a result, in the next election there was an incredible surge from my constituents, an incredible uprising of people who felt that they had been deceived and had been let down by their member of Parliament. I think largely as a result of that, I am here today.

I can say that bar no other issue, this has been the number one reason that people write to me and people talk to me. Let us not kid ourselves, this is a big event.

It was not a surprise that we as a party promised during the last election campaign that we would revisit this issue, so here we are today. The Conservative Party has done what it said it would do. We have brought forward a motion that gives an opportunity to those who are on the other side from all parties to vote with their conscience.

Government Orders

We can argue until the cows come home whether or not this is constitutional, but we all know there is a large segment of the population, our constituents, who are telling us that they want this issue revisited. They want us to look at this again.

Our leader, the Prime Minister, offered this very simple motion. It is something on which we can all agree. Let us look at this issue again and debate it. Let us give this a proper place in the House, so that all our constituents can feel at ease with whatever decision is made.

I lay the challenge out to my colleagues on the opposite side. I understand there are pressures and we all have these pressures to do the right thing. We have heard from members on the other side. I understand there are conflicting views. It has been said and it bears repeating that this is an institution which for a millennium has been the same. There has never been a question. We have provided means for those who want to live another lifestyle. This is a free country and we understand that. Yet this institution, this basic building block of our society is being challenged. It is that question we are faced with today.

We are all at the threshold of a decision tomorrow. Where will we go? Will we duck under constitutional amendments and will this hold up in the charter, or will we do what our constituents have asked us to do, to look at this issue again and say, "Yes, let us revisit it". Let us be fair about this. I am going to have my opportunity, as are other members, and let us bring this out one more time and let us talk about it.

I challenge and urge members to listen to their constituents, as I am going to listen to my constituents. Again it bears repeating that every day I receive letters asking me to please revisit this. I am sure other members are finding the same thing. I ask members to do the right thing tomorrow and give their constituents the voice that they expected to be given.

• (2315)

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I wish to clarify a point first. The previous member mentioned that there was a whipped vote the last time with three rows of ministers and parliamentary secretaries. That is not true. The parliamentary secretaries were never whipped, but only the parliamentary secretary under whose department the legislation fell. It was only the parliamentary secretary to the minister of justice and the small group of cabinet ministers.

I hear the Conservatives kibitzing and they can stop because they whipped the vote on a very important nation motion a few weeks ago and lost a cabinet minister because of it, so I would not boast about that.

I understand the member's passion and it was very reasonable, but is he not upset that the motion we are debating and voting on cannot lead to any outcome because the Prime Minister has said that if this motion were to pass, then he would do the outcome. However, he would refuse to do the outcome because the only way to implement a positive outcome is by changing the Charter of Rights and Freedoms or using the notwithstanding clause to override—

The Acting Speaker (Mr. Andrew Scheer): The hon. member for Chatham—Kent Essex.

Mr. Dave Van Kesteren: Mr. Speaker, I understand the hon. member's concerns, but again, it needs to be repeated, there are those who are saying that it can withstand a challenge. If we are going to look at this fairly, the motion gives us an opportunity to look at this again. We are talking about discussing the motion again. If we go through the whole procedure and after committee we come to the conclusion that no, this is not the direction we want to go, then we can do that.

Tomorrow we have an opportunity to do what we have not had before and that is the opportunity to vote with a clear conscience. Every one of us has to answer this question. What has been the message of the majority of our constituents, the people with deep seated beliefs for whatever reason? If the member can say that the majority of his people have said do not revisit this again, then the member is doing what he said he would do. If not, then you are doing the same thing you did last time. We ought not do that in this place.

The Acting Speaker (Mr. Andrew Scheer): I remind the hon. member for Chatham—Kent Essex that we address our comments through the Chair and not directly at other members.

Questions and comments, the hon. member for Windsor—Tecumseh.

Mr. Joe Comartin (Windsor—Tecumseh, NDP): Mr. Speaker, I wonder about the constitutional experts my colleague from Chatham was talking about. Does he not remember the letter that came from every single constitutional expert in this country to his leader, now the Prime Minister, saying that there was no other possible interpretation by our courts, that unless we invoked the Constitution to override, there was no way? I am wondering what constitutional experts he has been referring to because every single one in this country signed that letter saying that we cannot do it unless we override provisions in the Constitution.

Mr. Dave Van Kesteren: Mr. Speaker, I have the utmost respect for my colleague, the hon. member from Windsor. I am a rookie and I understand that he has much more expertise in these areas than I have. I refer to what was said before. When the Supreme Court ruled on this issue, it left that one clause open. It said that this is an issue for Parliament to decide. Therefore, I leave the member with that.

I say that this was not done in a fair way. This was something that was not fairly represented to the people of Canada. Let us do it right tomorrow. Let us vote, let us have a chance to discuss this, and let us have a chance to look at this fairly, as we ought to.

• (2320)

Mr. Ken Epp (Edmonton—Sherwood Park, CPC): Mr. Speaker, I am honoured to stand in the House today to add just a few thoughts about the value of marriage as being the union of one man and one woman to the exclusion of all others.

I have been involved in this issue for the last 13 years, because pretty well over that whole length of time this issue has come before the House from time to time. As part of my academic work, I have taken the time to do a lot of reading about what marriage actually means. I have read a number of articles and books in which the real meaning of marriage is delineated, defined and set out.

Government Orders

I want to make it very clear that some of the charges we sometimes get that we are not tolerant are just simply untrue. As a matter of fact, I want to illustrate that by indicating that there are several members of the House who have declared themselves as being non-heterosexual. On several occasions when I have had an opportunity, I have tried in a very real way to befriend them.

For example, one of them stayed in the same hotel that I stayed in. He came out of the hotel at the same time that I did and had neither coat nor umbrella, but I had a car and I offered him a ride. We had a nice little chat. I am not prejudiced against these individuals. In fact, and I will say it in the true sense of the word, I truly love them. I think we ought to reach out to them in the same way we do to anyone else. There is no thought there of being discriminatory.

But when it comes to the issue of family and marriage, it is a tradition, one that has withstood the test of time over centuries, that family is comprised of a mother and father and usually, but not necessarily, children. I think that parents have the obligation to raise their children and I think the children have the right to know who their parents are. This is one very important thing that I have not heard being debated here today.

Unfortunately, there are some situations where children grow up with foster parents or adoptive parents and do not know until sometimes later in life and sometimes never what their biological roots are. As a member of Parliament, I have had several individuals come to me and ask for help in finding their biological parents. I do not know what it is about them, but somehow there is an innate need for them to know who their mom is and who their dad is. There is no such thing as an anonymous parent, not to these individuals.

I had the privilege of listening to a young lady speak not very long ago who made the statement very explicitly. She is one who was born through the use of technology. She was not able to find out who her father was. It became almost an obsession with her. I think we have the obligation to go to the best level and that is to make sure that when children grow up they have the knowledge of and the right to know who their parents are.

I also want to assure the members of the House that when they vote in favour of this motion they are doing the right thing. This is a motion which simply asks the House to express itself as to whether or not it is the members' desire to call on the government to introduce legislation to restore the traditional definition of marriage. That is what the question is. It is very explicit. It has a couple of add-ons: "without affecting civil unions and while respecting existing same-sex marriages".

● (2325)

This is true, but the nub of the question is whether we should call on the government to introduce legislation. At that stage, let the government work through the constitutionality, the legality and all of those other details. I believe it can be done. I believe so strongly in it that I am going to vote for this motion.

I urge all members who have even the slightest idea that they want to maintain the definition of marriage that we have known and understood for so long to vote in favour of this so that the government can act on it.

This is an issue of great concern to me. I sincerely hope that this motion passes when it is voted on tomorrow.

Hon. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I have two questions arising from the member's speech.

First, he said that we have to reach out to these people. I am just wondering if he could elaborate on why we have to reach out to these people.

Second, he said he had done a study on marriage, an academic study, which I am very happy about. I know that he is a very studious member of Parliament. I wonder if he has done any study of equality and I wonder what he found out.

Mr. Ken Epp: Mr. Speaker, the debates that we had in this House way back in 1999 were one of the things I studied. I remember a speech distinctly since I heard her say it. I have read it. I have a copy on my computer and I can get a copy to anyone who wishes to have it. In fact, I distributed many copies of this speech when I was asked about this issue over the last five or six years.

The speech I am referring to is the one by the then minister of justice, the Honourable Anne McLellan, who said, and I think I can quote it from memory fairly accurately, that we can address the issue of "equality" without "changing the definition of marriage". I believe that is almost an exact quote, and that is from the Liberal minister of justice of the day in 1999.

Furthermore, when this issue has come before the courts, until pre-1999 or thereabouts the courts were consistent in saying that to maintain the definition of marriage as the union of a man and a woman to the exclusion of all others was not unconstitutional and did not violate any rights.

How can we say the Supreme Court is infallible when, after five years, it has changed its mind, presumably? Although I do not believe it has: it is quite clear to me, when I read the reference that was given to it, that the Supreme Court said it was up to Parliament to define it.

When it comes to equality, I think we also need to address the fact that it is not necessary to offend large groups of people in this country in order to achieve the results of equality. I believe that it is not necessary to offend them. We heard today from the natives of our country. We have had a number of people of different ethnic backgrounds and a number of different religious groups who are unanimous in saying, "Let us keep the definition of marriage".

Meanwhile, of course, we want to make sure that those who are otherwise persuaded are not discriminated against, and that is a sense of equality, which I also support. I think that is the answer that member needs to hear.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, let me suggest to the member what the facts are here. During the election campaign, the Prime Minister made a promise, very simply, to reopen the debate. It was certainly attractive to the audience.

Government Orders

We now have a motion before us that calls on the government to introduce legislation. If the motion fails, the government does not have to introduce the legislation. That is what it says. I have asked about this many times today, saying to just table the legislation, but the fact is that the government cannot introduce legislation that would be constitutional. It refuses to invoke the notwithstanding clause, so it cannot get there from here.

Maybe the idea is this. Why does the Prime Minister actually want this motion to fail? Why have three members from his caucus come to me in the last 24 hours to ask me if I know that the Prime Minister's Office is against the motion and that it has to fail? The idea is that the Conservatives do not want this to pass, because they do not want to have to be embarrassed by not being able to put forward a piece of legislation. What does the member—

• (2330)

The Acting Speaker (Mr. Royal Galipeau): The hon. member for Edmonton—Sherwood Park.

Mr. Ken Epp: Mr. Speaker, it is quite obvious that the member's opinion of what our party and our leader are trying to do here is quite at variance with the truth. I think it is quite unfair of him to even imply that we want this to fail.

The reason this question is before the House is that we honestly want to ask the members of this House whether they want this government to introduce legislation to address this issue. If they do not, we accept the authority of Parliament. If they do, then a way will be found.

I think that member is just hiding behind a smokescreen on the constitutional issue. If it were unconstitutional, why would the Supreme Court have put it back into our court in referring it to Parliament?

Mr. Bill Siksay (Burnaby—Douglas, NDP): Mr. Speaker, did I understand the hon. member to say that the opposition to same sex marriage was unanimous among religious communities across Canada? Did I understand him to say that it was unanimous in ethnic communities? Did I understand him to say it was unanimous in aboriginal communities across Canada? If he did, I think he owes this House and those communities an apology.

I would like him to comment on that.

Mr. Ken Epp: Mr. Speaker, of course I did not say that. I said that there were many groups, many ethnic groups, many groups of many different religious persuasions, including Sikhs and Muslims, who have expressed themselves to me very clearly that they would like this definition to be maintained.

I never implied, I hope, and if I said that, my great apologies indeed, because I did not say it, as far as I know. I do not believe that it is unanimous and I do not know why I then would say it. That is the answer.

Mr. Dean Del Mastro (Peterborough, CPC): Mr. Speaker, does the hon. member believe that if this motion is passed tomorrow, the government will table legislation to redefine marriage with the traditional definition of one man and one woman to the exclusion of all others?

Mr. Ken Epp: Mr. Speaker, I can give that answer in one word. The answer is yes.

[*Translation*]

The Acting Speaker (Mr. Royal Galipeau): Since no more members wish to speak, pursuant to the order made on Tuesday, December 5, the House stands adjourned until tomorrow at 10 a.m., pursuant to Standing Order 24(1).

(The House adjourned at 11:33 p.m.)

CONTENTS

Wednesday, December 6, 2006

GOVERNMENT ORDERS

Marriage

Mr. Nicholson	5703	Mr. Lunney	5734
Motion	5703	Mr. Keddy	5734
Mr. Thibault (West Nova)	5704	Mr. Siksay	5735
Mr. Ménard (Hochelaga)	5704	Mr. Szabo	5736
Mr. Siksay	5705	Mr. McKay	5736
Mr. Szabo	5705	Mr. Moore (Port Moody—Westwood—Port Coquitlam)	5737
Mr. Graham (Toronto Centre)	5705	Mr. Del Mastro	5738
Mr. Bruinooge	5707	Mr. Siksay	5738
Mr. Atamanenko	5707	Mr. Lemieux	5738
Mr. Lukiwski	5708	Mr. Szabo	5739
Mr. Szabo	5708	Ms. Fry	5740
Mr. Ménard (Hochelaga)	5708	Mr. Zed	5740
Mr. Tonks	5711	Mr. Trost	5741
Mr. Siksay	5711	Mr. Del Mastro	5741
Mr. Thibault (West Nova)	5712	Mr. Vellacott	5741
Mr. Atamanenko	5712	Mr. Bruinooge	5741
Mr. Siksay	5712	Mr. Hubbard	5743
Mr. Szabo	5714	Mr. Comartin	5743
Ms. Bell (Vancouver Island North)	5715	Mr. Dryden	5743
Mr. Day	5715	Mr. Bruinooge	5744
Mr. Szabo	5717	Mr. Albrecht	5744

PRIVATE MEMBERS' BUSINESS

Criminal Code

Mr. Coderre	5717	Mr. Del Mastro	5745
Bill S-211. Second reading	5717	Mr. Lunney	5745
Mr. Comartin	5719	Mr. Del Mastro	5745
Mr. Boshcoff	5719	Mr. Telegdi	5746
Mr. Moore (Fundy Royal)	5720	Mr. Siksay	5746
Mr. Ménard (Hochelaga)	5721	Ms. Fry	5746
Mr. Comartin	5722	Ms. Fry	5747
Mr. Proulx	5723	Mr. Allen	5748

GOVERNMENT ORDERS

Marriage

Motion	5724	Mr. Del Mastro	5745
Mr. Thibault (West Nova)	5725	Mr. Telegdi	5750
Mr. Day	5725	Mr. Albrecht	5751
Mr. Ignatieff	5725	Mr. Del Mastro	5751
Mr. Vellacott	5726	Mr. Comartin	5752
Mr. Rajotte	5726	Ms. Chow	5752
Ms. Verner	5727	Mr. Warkentin	5753
Mr. Ignatieff	5727	Ms. Fry	5754
Mr. Thibault (West Nova)	5728	Mr. Lake	5754
Mr. Moore (Port Moody—Westwood—Port Coquitlam)	5729	Mr. Szabo	5755
Mr. Albrecht	5730	Mr. Del Mastro	5756
Mr. Telegdi	5732	Mr. Epp	5756
Mr. Comuzzi	5732	Mr. Bagnell	5756
Mr. Silva	5732	Mr. Fast	5756
Mr. Siksay	5733	Ms. Fry	5758
		Mr. Siksay	5758
		Mr. Comuzzi	5758
		Mr. Epp	5759
		Mr. Siksay	5759
		Mr. Vellacott	5759

Mr. Bagnell.....	5760
Mr. Fast.....	5760
Mr. Siksay.....	5760
Ms. Fry.....	5760
Mrs. Yelich.....	5761
Mr. Szabo.....	5761
Mr. Del Mastro.....	5761
Mr. Siksay.....	5761

Mr. Van Kesteren.....	5761
Mr. Bagnell.....	5762
Mr. Comartin.....	5762
Mr. Epp.....	5762
Mr. Bagnell.....	5763
Mr. Szabo.....	5763
Mr. Siksay.....	5764
Mr. Del Mastro.....	5764

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