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OFFICIAL REPORT
(HANSARD)

Thursday, May 9, 1996

Speaker: The Honourable Gilbert Parent

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HOUSE OF COMMONS

Thursday, May 9, 1996

The House met at 10 a.m.

Prayers

[*English*]

POINT OF ORDER

PRIVATE MEMBERS' BUSINESS

Mr. Ray Speaker (Lethbridge, Ref.): Madam Speaker, I rise on a point of order which I will make very brief. I know there is a very important debate on Bill C-33 before the House.

This point of order is relative to the business of the House tomorrow and concerns the private member's motion in the name of the member for Glengarry—Prescott—Russell, which is listed as Motion No. M-2 on today's Order Paper. This motion is scheduled for debate tomorrow during private members' hour and I believe that you should rule it out of order.

Beauchesne's sixth edition states that the conduct of a member may only be discussed in the House of Commons by way of a substantive or a distinct motion, that is, a self-contained proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision to the House.

That is a very key point. This is the first time that a motion charging another member with contempt has been scheduled for debate under the new rules governing private members' business.

Before the rule change, all private members' items were votable. If a member attempted to use a private members' motion to charge another member with contempt under the old rules, the motion would be automatically votable.

The situation in which we find ourselves today is a first. It will be the first time that the House receives a non-votable motion that charges another member with contempt. If allowed, it will set a dangerous practice because there is no conclusion at the end of the process.

If a member is going to make a charge against another member, then he or she had better present the House with a votable motion. If you are going to make a charge you had better put your money

where your mouth is. Anything else would be unjust, improper and against the practices of the House.

If this motion is allowed to come forward, we will be engaging in an unfair and dishonest hit and run attack on a member. It is unparliamentary and unethical because of a loophole.

When the rules changed, no one considered the point I am raising today regarding a charge of contempt. The subcommittee on private members' business, or the committee it reports to, does not have the power to deny debate on this motion. Also, it is not obliged to automatically deem such motions votable. That is why it is up to you, Madam Speaker, to decide whether or not it is right to deal with this matter. I ask for your guidance.

Charging another member with contempt of Parliament is not something we in this House take lightly. Considering that every reference and every precedent of a charge of contempt against another member from Erskine May, Beauchesne, Maingot's *Parliamentary Privilege in Canada*, without exception, take the form of a votable motion, we should not now break with this practice and allow a motion charging a member with contempt to go forward if we are not prepared to take action.

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Madam Speaker, I rise on a point of order. There are a few things wrong with what we just heard.

What we are discussing is whether or not the motion in reference to the Reform Party, wanting itself to be designated as the official opposition, is the whole issue to which we are referring to. I have not heard that party, particularly this week, asking that it be designated as the official opposition.

That is a debate for another time. The facts are that, first, the clerk of the private members' business was informed yesterday—it can be verified—that I am unavailable to debate the motion tomorrow. That is a matter of record. The notice was sent yesterday and that can be confirmed.

Second, the proposition brought to your attention, Madam Speaker, as a point of order this morning is irreceivable because the matter is not before the House at the time we are having this conversation.

Third, I find it rather ironic that someone is complaining that my motion has not been designated by a committee of which I am not a member to be votable.

Routine Proceedings

The Acting Speaker (Mrs. Ringuette-Maltais): It is my understanding that tomorrow the motion in question will not be debated because the clerk has received advice that the hon. member is not available. I will take your point of order under consideration and will come back to the House with a ruling.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Madam Speaker, on behalf of the Bloc Quebecois, I am also tabling a dissenting report on this proposed Canada-U.S. agreement relating to refugee claims.

I wish to point out that, during the previous legislature, the Liberals were opposed to this proposed agreement and that nearly all the organizations that have appeared before the committee, including the representative of the Office of the United Nations High Commissioner for Refugees, levelled some very harsh criticisms against this agreement, which, I think, goes against Canada's open-minded practices.

ROUTINE PROCEEDINGS

• (1010)

[*English*]

GOVERNMENT'S RESPONSE TO PETITIONS

Mr. Paul Zed (Parliamentary Secretary to Leader of the Government in the House of Commons, Lib.): Madam Speaker, pursuant to Standing Order 36(8), I have the honour to table, in both official languages, the government's response to 16 petitions.

* * *

COMMITTEES OF THE HOUSE

GOVERNMENT OPERATIONS

Ms. Albina Guarnieri (Mississauga East, Lib.): Madam Speaker, I have the honour to present, in both official languages, the first report of the Standing Committee on Government Operations in relation to its study of the Senate's main estimates, 1996-97.

The report requests that a message be sent to the Senate inviting their honours to give leave to the chair of the standing committee on internal economy, budgets and administration, to appear before our committee in relation to the Senate's main estimates.

If the House gives its consent, I intend to move concurrence in the first report later this day.

[*Translation*]

CITIZENSHIP AND IMMIGRATION

Mrs. Eleni Bakopanos (Saint-Denis, Lib.): Madam Speaker, I have the honour to table, in both official languages, the first report of the Standing Committee on Citizenship and Immigration relating to the Canada-U.S. agreement on the review of refugee claims.

[*English*]

This is the first time the government has allowed copies of an agreement to be circulated before final signature. On behalf of a majority of members of the committee, I would like to commend the government for allowing interested parties to come before the committee to discuss the agreement before final signature.

I am confident that the minister will take into account our 12 recommendations.

* * *

CANADA LABOUR CODE

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): moved for leave to introduce Bill C-35, an act to amend the Canada Labour Code (minimum wage).

(Motions deemed adopted, bill read the first time and ordered to be printed.)

* * *

[*English*]

FOOD AND DRUGS ACT

Mr. Bill Gilmour (Comox—Alberni, Ref.) moved for leave to introduce Bill C-281, an act to amend the Food and Drugs Act and the Narcotics Control Act (trafficking in a controlled or a restricted drug or narcotic within five hundred metres of an elementary school of high school).

He said: Mr. Speaker, the impact of drug use on youth is a significant problem of ongoing concern to Canadians that must be addressed. Protection of our youth is a primary concern. By increasing penalties on pushers who deal drugs near schools we will deter criminals from trafficking drugs in and around those schools.

• (1015)

This bill amends the Food and Drug Act and the Narcotic Control Act to impose minimum prison sentences of one year for the first offence and two years for a further offence in cases where a person is convicted of trafficking a controlled or restricted drug or a narcotic within 500 metres of an elementary school or a high school.

Drug related crime was estimated to be the source of 85 per cent of all criminal activity in Canada in 1992. This bill will address those concerns. I hope the House will support the bill.

(Motions deemed adopted, bill read the first time and printed.)

Routine Proceedings

[Translation]

**EQUAL TREATMENT OF PEOPLE COHABITING IN A
RELATIONSHIP SIMILAR TO A CONJUGAL
RELATIONSHIP ACT**

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved for leave to introduce Bill C-282, an act providing for equal treatment of people cohabiting in a relationship similar to a conjugal relationship.

He said: Madam Speaker, for the second time in this House, I am pleased to introduce a bill aimed at recognizing same sex partners. This bill would ensure that 53 definitions in Canadian legislation are amended so as to include homosexual relationships in the definition of conjugal relationship.

(Motions deemed adopted, bill read the first time and ordered to be printed.)

* * *

DEPARTMENT OF LABOUR ACT

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ) moved for leave to introduce Bill C-283, an act to amend the Department of Labour Act (eligibility for assistance for long-service employees).

He said: Madam Speaker, I wish to introduce a bill aimed at modifying the POWA, or Program for Older Worker Adjustment, so as to change the rule of 100 that applies to cities whose population exceeds 500,000.

(Motions deemed adopted, bill read the first time and ordered to be printed.)

* * *

[English]

COMMITTEES OF THE HOUSE

GOVERNMENT OPERATIONS

Ms. Albina Guarnieri (Mississauga East, Lib.): Madam Speaker, I move, seconded by the hon. member for Kent:

That the first report of the Standing Committee on Government Operations, presented to the House earlier this day, be concurred in.

(Motion agreed to.)

* * *

PETITIONS

HUMAN RIGHTS

Mr. Bob Kilger (Stormont—Dundas, Lib.): Madam Speaker, pursuant to Standing Order 36, I present a petition on behalf of residents of Winchester, Williamsburg and Chesterville.

The petitioners request that Parliament not amend the human rights code, the Canadian Human Rights Act or the charter of rights and freedoms in any way which would tend to indicate societal approval of same sex relationships or of homosexuality, including amending the human rights code to include in the prohibited grounds of discrimination the undefined phrase sexual orientation.

Mr. David Iftody (Provencher, Lib.): Madam Speaker, I have petitions presented by constituents in the Lac du Bonnet and Steinbach areas.

The petitioners state that whereas the privileges society accords to heterosexual couples should not be extended to same sex relations, and whereas societal approval including these privileges would be given to same sex relations if amendments were made to the human rights code, they therefore pray and request that Parliament not amend the human rights act to indicate societal approval by including the undefined term sexual orientation in the proposed amendments to the Canadian Human Rights Act.

• (1020)

Mr. John Williams (St. Albert, Ref.): Madam Speaker, I have two petitions. The first is from constituents in and around my riding asking that the phrase sexual orientation be kept out of the human rights act.

They pray and request that Parliament oppose any amendments to the Canadian Human Rights Act or any other federal legislation that will provide for the inclusion of the phrase sexual orientation.

The second petition is along the same lines. People in and around my riding pray and request that Parliament not amend the human rights act or the charter of rights and freedoms in anyway that would tend to indicate societal approval of same sex relationships or of homosexuality, including amending the Canadian Human Rights Act to include the prohibited grounds of discrimination of the undefined phrase sexual orientation.

EAST TIMOR

Mr. Peter Adams (Peterborough, Lib.): Madam Speaker, I have two petitions.

The first is from citizens of Peterborough who draw to the attention of the House that in spite of the fact that the United Nations has adopted resolutions affirming the rights of the East Timorese people to self-determination, the Indonesia military, which continues to occupy East Timor, has inflicted violence and has caused the deaths of hundreds of thousands of East Timorese.

Therefore these petitioners request that Parliament support an arms embargo against Indonesia, call on the Indonesian government to free all political prisoners and end Canadian government funding for the promotion of trade with Indonesia.

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JUSTICE

Mr. Peter Adams (Peterborough, Lib.): Madam Speaker, the second petition is from people in Peterborough who note that the Government of Canada was involved in the extradition of Mr. Leonard Peltier to the United States. New information has surfaced indicating that Leonard Peltier's extradition may have been illegal due to witnesses recanting.

Early in 1994 the justice department of Canada announced that it was reviewing the legality of the extradition. Therefore these petitioners request Parliament inform them of the findings of this review.

HUMAN RIGHTS

Mr. Ed Harper (Simcoe Centre, Ref.): Madam Speaker, pursuant to Standing Order 36, I have two petitions to present today on behalf of constituents of Simcoe Centre.

The first petition requests the Government of Canada not amend the human rights act to include the phrase sexual orientation. The petitioners fear that such an inclusion would indicate societal for approval of homosexual behaviour.

The petitioners believe the government should not legitimize this behaviour against the clear wishes of the majority.

CONSENT

Mr. Ed Harper (Simcoe Centre, Ref.): Madam Speaker, the second petition concerns the age of consent. The petitioners ask that Parliament set the age of consent at 18 years to protect children from sexual exploitation and abuse.

HUMAN RIGHTS

Mr. Pat O'Brien (London—Middlesex, Lib.): Madam Speaker, pursuant to Standing Order 36, I am pleased to present five petitions bearing hundreds of names of people in my riding of London—Middlesex and nearby ridings.

The petitioners express their serious concerns about changes to federal legislation which would tend to indicate societal approval of same sex relationships.

These same people call on Parliament not to amend the Canadian Human Rights Act or the charter of rights and freedoms to include the undefined phrase sexual orientation. I am most pleased to support their concerns.

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Madam Speaker, I am pleased to rise pursuant to Standing Order 36 to present a petition from my constituents in Port Moody—Coquitlam and the neighbouring riding of Burnaby.

Whereas the majority of Canadians believe the privileges which society accords to heterosexual couples should not be extended to same sex relationships, and whereas societal approval, including

the extension of societal privileges, would be given to same sex relationships if any amendment to Canadian Human Rights Act were to include the undefined phrase sexual orientation as a grounds of discrimination, the petitioners request that Parliament not amend the Canadian Human Rights Act or the charter of rights and freedoms in anyway that would tend to indicate societal approval of same sex relationships or of homosexuality, including amending the human rights act to include in the prohibited grounds of discrimination the undefined phrase sexual orientation.

• (1025)

Mr. Geoff Regan (Halifax West, Lib.): Madam Speaker, I rise today to present a petition on behalf of 265 Nova Scotians calling on Parliament to act immediately to amend the Canadian Human Rights Act to prohibit discrimination on the grounds of sexual orientation.

* * *

QUESTIONS ON THE ORDER PAPER

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

The Acting Speaker (Mrs. Ringuette-Maltais): Is that agreed?

Some hon. members: Agreed.

GOVERNMENT ORDERS

[English]

CANADIAN HUMAN RIGHTS ACT

Mr. Martin Cauchon (for Minister of Justice and Attorney General of Canada, Lib.) moved that Bill C-33, an act to amend the Canadian Human Rights Act, be read the third time and passed.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Madam Speaker, I am pleased today to speak on third reading of Bill C-33, an act to amend the Canadian Human Rights Act.

With this amendment we will fulfil a political commitment to the people of Canada and implement a long standing policy of the Liberal Party of Canada. This amendment will bring the Canadian Human Rights Act up to date with court decisions, with the Canadian Charter of Rights and Freedoms, and with the human rights legislation of the majority of the provinces which already have such legislation in place. It will give effect to the fundamental principle and value in Canadian society that individuals should be treated fairly.

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The commitment is clear. The Prime Minister said during the last election campaign this amendment would be introduced. In the 1994 throne speech the government promised amendments to the Canadian Human Rights Act. Since then the Minister of Justice has repeated the commitment.

The position of the Liberal Party of Canada is clear and has been so for a long time. The amendment has been the policy of the Liberal Party for nearly 20 years.

[*Translation*]

Nearly 20 years ago, the Liberal Party passed a resolution in support of offering protection against discrimination on the basis of sexual orientation.

[*English*]

Further resolutions to this effect have been passed, most recently two weeks ago at the Liberal Party meeting in Windsor, Ontario. In 1985 an all-party House of Commons committee unanimously passed a resolution that this amendment should be made.

The position of the Liberal Party of Canada has for many years been to prohibit discrimination on the basis of sexual orientation. Having formed the government we are following through on the commitment.

Now I would like to talk about Bill C-33, its purpose and its effect. It is important to look at this carefully and objectively so that we clearly understand what the bill does and what the bill does not do. I have listened to the debate on the bill and I want to address the misconceptions and misperceptions that may exist about it.

Let us talk about the scope of the Canadian Human Rights Act. I think this has sometimes been lost in the debate so far. It is important to remember the real scope of the Canadian Human Rights Act.

• (1030)

First, the act applies only to employment and the provision of goods and services coming under federal jurisdiction.

[*Translation*]

This includes the federal government and federally regulated employers such as banks, railway companies, air transportation and telecommunications common carriers.

[*English*]

Second, this means that only about 10 per cent of the Canadian workforce is covered by the Canadian Human Rights Act. The rest of the workforce is covered by provincial and territorial human rights codes. The vast majority of employers and service providers come under provincial jurisdiction. Religious, cultural and educa-

tional institutions come under provincial jurisdiction and therefore are subject to the provincial codes, not the federal codes.

The scope of the Canadian Human Rights Act and this bill is limited to what I have heard said about it. This brings me to another very important point. This amendment is hardly revolutionary and hardly new, not only in respect of the Canadian Human Rights Act but in respect of all those areas to which, as I have said, the Canadian Human Rights Act does not apply but provincial laws and the charter of rights and freedoms do apply.

Sexual orientation is already in the majority of human rights laws by court order or by legislative action. Eight provinces or territories with 90 per cent of the population in Canada have already added sexual orientation to their human rights legislation, that is, to prohibit discrimination on the grounds of sexual orientation within the provincial legislation: Quebec, Ontario, Manitoba, Yukon, Nova Scotia, New Brunswick, British Columbia, and my own province of Saskatchewan. Some of these provinces implemented this legislation as long as 20 years ago.

The Supreme Court of Canada has held that section 15 of the Canadian Charter of Rights and Freedoms, part of the Constitution and thus part of the supreme law of the land, prohibits discrimination on the basis of sexual orientation.

The Ontario Court of Appeal ordered in 1992 in the case of *Haig v. Canada* that the Canadian Human Rights Act should be treated as though sexual orientation were already a prohibited ground of discrimination. Since that ruling, cases have been dealt with in legal fora under the act regardless of this amendment.

This amendment merely confirms what has already been put in place by the courts. The amendment in Bill C-33 will bring the Canadian Human Rights Act into conformity with these court rulings and with the Canadian Charter of Rights and Freedoms.

It is time for parliamentarians to act on this. Canadians should not have to turn in cases such as this where we are dealing with discrimination or protection against discrimination to find out what the law is. The law should be plain on its face and there for everybody to see.

The law is composed of statutes, court decisions and common law. When a court decision has the effect of changing or modifying a statute, it is important that the court decision changes the statute in a manner which reflects or deals with the court decision so the law is plain on the face of it.

• (1035)

Courts have made these types of decisions for many many years, even before the charter of rights and freedoms came into effect. Legislatures and Parliaments across this land since then have dealt

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with legislation that has been altered or modified by court decisions to make the legislation more clear.

It is the responsibility of Parliament to articulate and codify principles of equality. This should not be left to the courts. I have listened to some people suggest that we have not had time enough to debate this issue, which is not so. This issue has been around for 20 years. It has been discussed and debated. Parliament has addressed this issue many times.

There have been many private members' bills. There was legislation introduced by the previous government. There has been an all-party report by a parliamentary committee which held hearings across Canada. The Supreme Court of Canada has addressed the issue. The government has received countless letters and submissions. The elected legislatures of eight jurisdictions in Canada with almost 90 per cent of the population have voted to enact such amendments.

Much has been said on this issue and much time has been taken already. The issues are clear and now it is time to make a decision. I know there are strong feelings and beliefs on this issue which I respect. As a matter of fairness and justice we have to address this issue. It is an issue of how we treat people in the workplace and in the marketplace. We have tried to explain this.

I will take the opportunity to talk about what this amendment does and does not do. This amendment will prevent basic forms of discrimination. It is to prevent what we all agree is unjust: firing someone from a job because they are gay or lesbian; denying someone service at a bank because they are gay or lesbian. This is a matter of simple fairness. Canadians do not think it is fair to fire someone from a job or refuse them service only because they are gay or lesbian.

I have heard it suggested that this bill provides special rights. Nothing could be further from the truth. Bill C-33 will not give special rights to anyone. If an individual is discriminated against on the basis of colour, whether black or white, they are protected by human rights legislation. If an individual is discriminated against on the ground of religion, be they Protestant, Catholic, Jewish, Muslim or some other religion, they are protected by human rights legislation. Similarly, if an individual is discriminated against on the basis of sexual orientation, be they heterosexual or homosexual, human rights legislation offers protection.

[Translation]

Protection against discrimination on the basis of sexual orientation at the federal level means that a person who has been fired by an air carrier or a railway company or was denied service by a bank is offered a remedy under human rights legislation.

• (1040)

[English]

Human rights laws are intended to ensure that individuals can be hired and employed and services provided to them on the same basis as everyone else, not to be fired or refused a service merely because of their colour, religion, sex or sexual orientation. This is not special treatment; it is the very opposite. It is intended to stop employers or service businesses from singling out homosexuals, blacks or religious minorities and instead treat them the same as everyone else. This is not special rights. It is equal treatment.

The law will protect heterosexuals as well as homosexuals. But it is clear that it will protect those who need the protection the most, that part of our society that has been subject to historical disadvantages and stereotyping, to discrimination and worse. The evidence is clear. Gay bashing, discrimination within the workplace, discrimination in obtaining goods and services: tribunals and courts are replete with such examples of discrimination and we must move to remedy that situation.

The Parliamentary committee that looked at this issue wrote as follows:

We were shocked by a number of the experiences of unfair treatment related to us by homosexuals in different parts of the country. We heard about the harassment of and violence committed against homosexuals. We were told in graphic detail about physical abuse and psychological oppression suffered by homosexuals.

The amendments will reinforce the message that Canadians do not tolerate prejudice and discrimination. We will not permit our colleagues, our friends, our relatives, our sons or daughters, our fellow citizens to suffer simply because of their sexual orientation.

What is the impact on the family, on marriage, on other societal institutions? The bill will not detract from marriage and family. Marriage, whether it is solemnized according to provincial laws or is common law, and the family are fundamental parts of our society. Nothing is going to change that. In our laws, our policies, our practices, we will continue to provide support to these institutions. That will not change now or ever.

The preamble of Bill C-33 makes this abundantly clear. It recognizes the family as the foundation of Canadian society. It also affirms that the amendment will not alter the fundamental role of family in our society.

As mentioned above, the Canadian Human Rights Act deals with discrimination in employment and the provision of goods and services. It is not broader than that; it is not more than that. I will repeat it again because this has been the source of some misunderstanding. The Canadian Human Rights Act and the amendment we are dealing with deals with discrimination in employment and the provision of goods and services only. The purpose of the preamble

is to keep the focus on this and to make it clear that the amendment will not detract from the importance of the family.

What about marriage? This amendment cannot change marriage because the Canadian Human Rights Act has absolutely no application to marriage. The act applies to employment and the provision of goods and services. Maxwell Yalden, chief commissioner of the Canadian Human Rights Commission, said last month before the Senate committee studying Bill S-2: "We are not talking about who is married and who is not married. That is none of the business of our commission".

• (1045)

That is right. The Canadian Human Rights Act simply does not apply to marriage. The common law has always provided that marriage is the union of a man and a woman. The common law has equal force with the statute law.

When this law was challenged under section 15 of the charter, protection against the discrimination on the basis of sexual orientation, the court held: "The common law limitation of marriage to persons of the opposite sex does not constitute discrimination". This is the law across Canada.

The inclusion of sexual orientation in the charter and in the majority of provincial human rights statutes has not changed this. As I said, the Canadian Human Rights Act and this bill cannot change this because they, without a doubt, have no application to the laws on marriage.

I have also heard people worry about the grounds of family status in the act. In 1993 the Supreme Court of Canada decided in the Mossop case that family status does not include same sex relationships. That was the decision of the court then and it remains the law today.

While some have expressed concern about the court revisiting this, the concern has been resolved. In the Egan and Nesbit case last year the Supreme Court of Canada made it clear that issues about benefits in respect of same sex relationships will be dealt with as a matter of sexual orientation. This is now in the law by court order.

The grounds of family status and marital status were not involved. It is clear there is simply no need for the courts to reopen the definition of family status or for a definition of marital status to be legislated.

I have also heard suggested that the bill affects adoption. This is plainly and clearly wrong. This is a simple matter of the constitutional division of powers between the federal government and the provinces. Adoption is a matter of provincial jurisdiction. This law covers only matters coming within federal jurisdiction. This amendment does not, cannot and will not affect adoption.

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I have been asked about the question of benefits for same sex partners. Let us be clear that this amendment makes a simple change to the Canadian Human Rights Act. It does not change the law on benefits. Whatever we do here, the issue of benefits is already before the tribunals and courts. Whether we make this amendment or not is not relevant.

The tribunals and courts are already dealing with the benefits question. This amendment will not change that. It will not change the law. Moreover, in the Egan case last year the Supreme Court of Canada held unanimously that sexual orientation is a prohibited ground of discrimination under the equality provision, section 15 of the charter. The court also held that such discrimination did not support the extension to same sex partners of the pension benefits, the issue in that case.

As I mentioned earlier, eight of the provinces and territories prohibit discrimination on the grounds of sexual orientation. Although the prohibitions have been around for some time, these provisions have not led to the automatic extension of benefits to same sex partners.

Sexual orientation has been in provincial human rights statutes going back as far as 1977. It has also been included by the courts in section 15, the equality right guarantee, of the Canadian Charter of Rights and Freedoms.

As a result there have been a considerable number of cases in which tribunals and courts have looked at discrimination on the basis of sexual orientation. They have interpreted it to mean homosexuality, heterosexuality and bisexuality. The courts and tribunals are clear on this. There is a clear understanding of this. The definition is clear.

• (1050)

Further, the seven provinces which have added sexual orientation to their human rights legislation have not defined it. Even the Supreme Court of Canada, which considered sexual orientation under the charter in the Egan and Nesbit case last year, saw no need to define the term.

It is clear this law protects lawful conduct, nothing else and nothing more.

[*Translation*]

Any currently prohibited behaviour will remain unlawful under the Criminal Code and be afforded no protection through this amendment.

[*English*]

To remove any doubt, the preamble of the bill provides that the law applies only in respect of lawful conduct.

I have heard it suggested that it would be better to drop the list of grounds from the Canadian Human Rights Act rather than add sexual orientation. Again, I am not certain if I understand the point. If we drop the list of grounds, what would it be replaced with? How would we protect against discrimination on the basis of

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race, religion, sex and sexual orientation? How would we know what forms of discrimination are prohibited and which are not? I simply do not understand what this would accomplish. Either we protect against discrimination on the basis of race, religion, sex, sexual orientation and the other listed grounds or we do not.

In my view it is mischievous to suggest dropping the list. I believe ultimately the suggestion is meaningless. It is simply designed to stir up controversy, trouble and confusion. It is intended to avoid the real issue.

If we are to protect against discrimination on the basis of sexual orientation the amendments in the bill will do that. There is no other way.

I have tried to address the questions I have heard, the fears and the misconceptions. When we look at this amendment issue by issue, point by point, we can develop a better appreciation of what the bill does and what it does not do. We develop a better appreciation of what the amendment is all about. It is about human rights. It is simply a matter of justice and fairness.

[Translation]

It is a matter of justice and fairness.

[English]

Today's debate comes down to a basic question. Do we think it is right to discriminate against gays or lesbians, to fire them from their jobs or refuse them service because of their sexual orientation? We believe the answer is no. The answer flows from the Canadian tradition of tolerance and fairness.

[Translation]

This is a proud tradition.

[English]

These are values we all hold close.

[Translation]

These values are fundamental to our identity as Canadians.

[English]

After having reflected on this thoughtfully and carefully I think the way is clear. I believe the bill deserves the support of the House of Commons.

[Translation]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Madam Speaker, I thank the parliamentary secretary for his speech. I also appreciated his efforts to deliver a few words in French and would like to tell him his French is excellent and that I have no doubt things will improve. As the member knows, I try to speak English. I am taking courses three days a week at 8 a.m., with the firm

objective of becoming perfectly bilingual within two years. This, however, is not the subject of today's debate.

● (1055)

There is no way we can forget that all sorts of remarks have been made on the subject of Bill C-33 in the past two weeks, since the debate got under way. Some remarks have caused us to grow, some have caused us to blanch and some have caused us outrage.

I would like to continue in the same vein as the hon. parliamentary secretary and try today to remain very generous, very open in what I have to say and try especially to put a number of things back into context.

I would recall that our debate today concerns an amendment to the Canadian Human Rights Act. So we are not talking about the charter. Sometimes journalists and perhaps our fellow Canadians get these two mixed up, but the act is an organic law with the same status as all the laws we pass in this Parliament. The difference between it and the Canadian Charter of Human Rights is that the charter is enshrined in the Constitution and cannot be amended without a round of constitutional negotiations and the use of the seven and fifty amending formula, which requires seven provinces representing fifty per cent of the population to approve any amendment to the Constitution Act of 1982, which is the country's supreme law.

That said, the Canadian Human Rights Act is a very important act because it is one way we have as parliamentarians to put a stop to potential discrimination in this country. There are in fact three ways to do this: the charter, of course, which has already been mentioned; the Canadian Bill of Rights, which was passed in the early 1960s by the Diefenbaker government and which continues to apply; and the Canadian Human Rights Act, which, and I do not think it can ever be said clearly enough, applies to firms under federal jurisdiction and to individuals receiving services from the federal government. So, we are talking about some 10 per cent of Canadian workers.

The Canadian Human Rights Act has been in existence since 1977. It is worth remembering that, first, when the Canadian Human Rights Act first came into effect—I was rereading the 1977 debates—some parliamentarians proposed including sexual orientation with the nine other prohibited grounds for discrimination. For a whole lot of reasons that do not warrant going over this morning, it was not possible. What we are doing today as parliamentarians—a little later in the day, at 5.30 p.m., if my information is correct—is changing the Canadian Human Rights Act to include an 11th item in the list of prohibited grounds for discrimination.

Now, let us have a closer look. What is discrimination, under the Canadian Human Rights Act, which applies to businesses under federal jurisdiction and to people receiving services from the federal government? Discrimination is defined as follows, and I think we should bear the definition in mind during the debate. To discriminate against someone is to treat that person in a different,

negative or unfavourable manner, for no valid reason. When the courts have had to interpret discrimination they, of course, stumbled over two elements of the definition: “to treat” and “no valid reason”.

As we are speaking, there are prohibited grounds of discrimination and I want to mention them. There is of course discrimination based on race. As we know, an extreme form of such discrimination can lead to tragic cases of intolerance, as we have seen all too often during this century. Then there is national or ethnic origin. No one can be deprived of services or discriminated against regarding employment, based on his or her race, national or ethnic origin, or colour. This reminds me of comments made by some members which were, and I know you will agree, absolutely unacceptable in Parliament and in society in general. Then there is religion. Under the Canadian Human Rights Act, it is prohibited to discriminate against someone on the basis of religion.

• (1100)

Then there is age. As we know, it is because this is in the list of prohibited grounds of discrimination that the government cannot, for example, force an individual to retire at age 65. Madam Speaker, you could, if it is the voters' wish and yours as well, remain in the Chair beyond the age of 65.

Then there is sex, including the fact that one is pregnant. Other prohibited grounds are marital status, family status and conviction for an offence for which a pardon has been granted. Indeed, all those who were found guilty by the courts and who served a jail sentence, but were then granted a pardon under the established practice in our legal system, cannot be discriminated against because they have been granted such a pardon. Physical or mental disability is of course another important item on the list of prohibited grounds of discrimination.

What the bill seeks to do is to add sexual orientation to this list. The parliamentary secretary mentioned it earlier. I think we have to say it, and I agree with the government. There are certain issues regarding which I fully endorse the government's views. Then, of course, there are others regarding which I do not want to be associated with it. However, this time, it would have been a serious mistake on the government's part to try to define sexual orientation.

Why not define sexual orientation? First, because between 1977 and 1993, out of the seven provinces and one territory that sought to provide such protection regarding sexual orientation in their human rights code, none defined sexual orientation. They did not include a definition because, given existing legal precedents, this

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expression clearly refers to three possibilities: homosexuality, heterosexuality and, of course, bisexuality.

The saddest thing that has gone on in this debate, where certain members, which the most elementary courtesy prevents me from naming, have unforgivably overstepped the bounds, is of course the absolutely ridiculous, idiotic, confused and unfounded connections made between the protection we want given on the basis of sexual orientation, and pedophilia.

I rely on all the strength of my convictions in telling members and listeners that there is no possible connection between what we are now discussing and pedophilia. And do you know why? For two reasons. First, because it is very clear, as both the parliamentary secretary and the justice minister have said, that what is prohibited under the Criminal Code will, in all circumstances, continue to be prohibited.

It is very clear, under the Criminal Code, under conventions, in the case law, that pedophilia is an offence. There is not a living soul, and certainly not the one now speaking to you, who, however liberal he might be, is going to tell us today that protecting people against discrimination on the basis of sexual orientation in the work place or in the delivery of services by the federal government will lead to the recognition of pedophilia.

Pedophilia is a criminal offence. Not only is it a criminal offence, but I challenge—I do not know if I may do so through you, but I challenge—any member of the Reform Party to rise in this House, with statistics to back him up, and to put his seat on the line and table studies or rulings showing that either administrative or legal tribunals have, in the past, offered protection on the basis of sexual orientation to pedophiles. It has never happened, and it cannot happen, because pedophilia is a criminal offence and must continue to be one.

It must continue to be a criminal offence because it depends on the exploitation of a child by an adult. Once there is exploitation, non-consent, and this is true for rape, it is very clear that the provisions of the Criminal Code come into play. I find it utterly dishonest, and I am being polite, to make the sorts of comparisons that have been made by certain members of the Reform Party.

• (1105)

It is not only dishonest, but irresponsible. It is irresponsible because it suggests that all homosexuals are pedophiles. Furthermore, according to the rigorous studies that have been conducted, 98 per cent of all pedophilia charges laid in the last 20 years—not last year, not two years ago, but in the last 20 years—were laid against heterosexuals. Make no mistake: 9.8 out of 10 people who commit the crime of pedophilia are heterosexuals.

I am not saying that our society must not try to rehabilitate pedophiles. It is clear that it is a deviant behavior, that it is truly

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pathological in the etymological sense of the word, but, for pity's sake, let us be responsible and stop drawing parallels that are not supported by jurisprudence, psychology or criminal law.

Although the government should probably have acted earlier, I am happy that it has finally done so. What matters is the outcome. The government knows it could not find a better ally in this debate than me, but why did it have to introduce a bill like Bill C-33? Because people forget—I do not want to alarm you with this, because I know you have many other concerns—that the Canadian Human Rights Act is unconstitutional. That is a fact.

In 1992, the Court of Appeal of Ontario ruled that some of the provisions in the Canadian Human Rights Act were unconstitutional.

Let me remind the House of the events that led to that point. In 1990, an officer in the Canadian Forces—"there's no life like it"—went to see his commanding officer and told him he was homosexual. The year was 1990, and the commanding officer applied a directive. He did his duty in applying the directive then in force in the Canadian Forces. Although it is no longer in force, that 1990 directive provided for the demobilization—that is the word used in the directive—of those members of the Canadian Forces who declared themselves or were presumed to be homosexual.

The officer in question, Mr. Haig, brought the case before the courts. Officer Haig was demobilized. He tried to avail himself of a provision and filed a complaint with the Canadian Human Rights Commission. The commission was unable to hear his case because there were no grounds for filing grievances based on sexual orientation.

Officer Haig tried to avail himself of the protection based on marital status but his complaint was rejected. The Canadian Human Rights Commission, which is in fact an administrative tribunal, suggested that Mr. Haig, who was demobilized because he had admitted being homosexual, take his grievance to an ordinary court of law.

So the legal saga from an administrative tribunal to the Court of Appeal of Ontario led to some of the provisions in the Canadian Human Rights Act being ruled unconstitutional.

I do not remember whether the decision was unanimous or not, but the fact remains that the Court of Appeal of Ontario ruled that, under section 15 of the Canadian Charter of Rights and Freedoms—which the parliamentary secretary was referring to earlier and which, as you may recall, came into force in 1985 and is part of the Constitution—every individual is equal before the law.

• (1110)

That is why, since 1992, not only has the Canadian Human Rights Act been declared unconstitutional, but also it has become common practice to construe that the charter and the Canadian Human Rights Act should be read as including sexual orientation as a prohibited ground of discrimination.

In 1992, Kim Campbell was the Minister of Justice. This may be a good or a bad memory for this House, but the historical fact remains that Ms. Campbell was the Minister of Justice at the time. Kim Campbell, as the Minister of Justice, decided—and we should be grateful to her for this—not to appeal the case. As a result, not only did the Ontario court's decision become binding in Ontario, but Ms. Campbell decided to make it binding across Canada.

That is why the government decided, in its generosity, to include sexual orientation in the Canadian Human Rights Act. In fact, legally speaking, and I know that the hon. parliamentary secretary's many qualifications include a law degree, we had no choice but to make this change.

I have followed the debates on Bill C-33 assiduously, as you know. I was here the whole time, but not once did Reform members rise to call attention to this obligation. Not once did they take the logical line of reasoning of saying that, parliamentarians' wishes aside, what we are about to do a few hours from now—and there is no doubt that we will win this battle—is to bring the legislation in line with a decision made by a court, a court of appeal, an ordinary court of law, namely the Court of Appeal of Ontario.

I think that our viewers, anyone who is concerned with human rights must be reminded of these historical facts.

We started down the slippery slope of confusion and dismay the moment you and those before you gave the floor to the Reform Party. Then we heard about everything but the kitchen sink. We were threatened with just about everything except being prohibited from eating our Corn Flakes with milk, if this bill went through. Canada was going to turn into some kind of Liberia and was facing potential anarchy.

Fortunately, this debate is an opportunity to get our facts straight. First, let their be no mistake. I think it must be out of some Freudian obsession that every member of the Reform Party told us the definition of marriage would be altered if this bill were passed. I bet you a quart of beer of your choice, Madam Speaker, that the next Reformer to speak after me will make the same point.

We must bear two things in mind. First, the solemnization of marriage comes under provincial jurisdiction. Second, nothing in this bill—it is merely three clauses long; it cannot be all that

difficult to read—will in any way, shape or form, directly or indirectly, change the definition of marriage.

In fact, if the government had wanted, which is doubtful, to make any change to the concept of marriage, its decision would most likely have been invalidated. Do you know why? Because, in 1995, last year then, a judgment was handed down under common law. I wish to dedicate this judgment to my Reformer friends.

In the matter of Layland and Beaulne versus the Province of Ontario, the claimants challenged under section 15 of the charter, to which I referred earlier—it provides for equality for all and therefore protects against discrimination on the basis of sexual orientation—the requirement under common law that marriage be the joining of a man and a woman in matrimony.

The charter, which is enshrined in the Constitution, takes precedence over any other act. In essence, the Layland and Beaulne judgment said the following: “The restriction imposed by common law in that marriage must be entered into by persons of different sexes does not constitute discrimination against the claimants in violation of section 15 of the act”.

• (1115)

Until now, no court of justice has ever sought to change the definition of marriage under section 15, and it is unlikely that we should ever see such a ruling. Of course, other countries in the world, such as Denmark and Norway, while not allowing same sex marriages, do authorize declarations of civil union. This is not a sacrament: it is a declaration of civil union allowing spouses to enter into a mutually benefitting contract.

I tried to be as clear as possible in making this clarification. I hope that those who are listening, including Reform Party members, will understand that this bill does not change the notion of marriage. There are legal precedents in these countries and, without predicting the future, I think that if a fellow Canadian, whether from Newfoundland, Ontario, Quebec, Saskatchewan or anywhere else, were to attempt, under the Canadian legislation or the charter, to change the notion of marriage, there are firm guarantees that, under the common law, a marriage can only take place between two people of opposite sex.

This is not to say that I am not personally in favour of giving some guarantees to same sex spouses. I even tabled a bill to this effect. However, this is another issue, and it definitely does not involve marriage. These clarifications had to be made regarding the case law and the justice system.

Another often heard misconception is that, should the legislation go through, the family will suddenly, as if by magic, be undermined in our country.

First of all, this bill concerns individuals. Those who file complaints to the Canadian Human Rights Commission involving

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possible challenges relating to sexual orientation are definitely individuals. In recent years, such complaints accounted for 4 to 10 per cent of the total number.

Second, there is no reason to believe that a bill such as this one will allow us to redefine or to undermine the family. The justice minister, unnecessarily in my view, played it safe and added a preamble stating that the family remains the basis, the foundation of Canadian society.

I am not necessarily any happier that this preamble is there, because I do not think it is necessary. But it is there, so be it, and we are not going to amend it, we will live with it.

So, there is confusion between couples and families. It is true that, in the past, the Canadian Human Rights Act—in fact, not just the Canadian Human Rights Act, but various administrative tribunals, including certain labour relations boards—has forced employers to give certain benefits to same sex partners.

You are indicating that I have only ten minutes left, Madam Speaker. How time flies. I wonder if there would be consent to let me have more time. I would guess not. I will therefore try to wrap up my remarks, but ten minutes is more than I need.

The fact is that certain rulings have been made under the Canadian Human Rights Act by tribunals throughout the country, particularly administrative tribunals, allowing certain benefits to same sex partners, in the case of dental or health insurance for example. That is true, it would be dishonest not to mention it, but that in no way changes the definition of the family.

A couple is a couple. It is true that I myself think that a couple can consist of a man and a woman, two men, or two women, but this does not constitute a family.

• (1120)

However much of an activist I may be, recognition of same sex partners will not lead me to say that two lesbians or two homosexuals constitute a family. It is not true, and it is not what we are talking about in this bill.

I think another distinction should be made. You will remember that in 1985 a parliamentary committee toured Canada. It included the member for Mount Royal, whom I would like to salute, because of her strong commitment in recent years to promoting human rights. The year 1985, you will remember, was the year section 15 of the Canadian Charter of Rights and Freedoms came into effect. It identified various discrimination scenarios, scenarios that continue to exist today.

Still, in 1995 and 1996, there are people who are not promoted because they are gay. There are people who are deprived of federal services because they are gay. There are people who are deprived of services. Not so long ago a group that was at my house reminded me that a priest of a parish, a parish I will not name, had refused to

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rent them a hall, because the group was openly identified with promoting homosexual rights.

We are, today, not only updating legislation, we are sending a very clear message to all elements of Canadian society that we as legislators cannot allow discrimination to continue.

Most important is the fact that we are able to work so that, in ten years, should we find ourselves again in the midst of a debate, things will have changed and people who are 14, 15 or 16 and discover they are homosexual may know that there are guarantees under the law and also that legislators, those who have a public voice, out of respect for the family and the constituent majority, will ensure that we may tell homosexuals they have their rightful place in society, like all taxpayers. They have a rightful place as producers, creators and citizens.

This is the most important aspect of the bill. Today as legislators, we will say on both sides of the House that we assume our responsibilities, that we disapprove of discrimination and that we want their rights and the services they receive protected under the federal system. We will not tolerate discrimination.

Allow me to close with one point. We had one day where we heard witnesses in parliamentary committee. There was a pediatrician from Calgary, a city represented by the Reform Party. I am going to talk to the Reformers and thus be out of order. The pediatrician in question is a university professor. He had done a longitudinal study, that is, one over several years. He reminded us that, in Canada, two million young people die by their own hand each year, for various reasons of course. Of these, 60 per cent, according to the professor from Calgary, are unable to cope with the discovery of their homosexuality.

This is what Bill C-33 is about. It, with a number of other measures, because the problem is not solved, will allow us to say to young people who are homosexual—Because do not think for an instant that it is a matter of choice, that you wake up one day and say: “Today I am homosexual, tomorrow I will be heterosexual, and on the weekend, who knows?”

• (1125)

But that is not the case. When one discovers one is homosexual—and, as you are aware, I know what I am talking about—one knows it is not a choice but a matter of predetermination. That is why Bill C-33 is important, because it will tell young people across the country—whether they live in rural or urban areas, whether they are students or workers, whether they want to become professionals or technicians—that we recognize their rights as first class citizens.

Not only do we recognize their rights as first class citizens, but we will not tolerate discrimination. Not only will we not tolerate discrimination, but we want them to succeed on the basis of what they are in their professional environments. I sincerely believe that

all those in this House who will rise in a few hours to vote against this bill are committing a serious, an irreparable violation of human rights for which they will have to account some day.

I will say in closing that both the parliamentary secretary and the Minister of Justice were very eloquent in this regard, and I hope that I too made some impression. What we are discussing today is legislative protection. Nothing in this bill will change the family. Nothing in this bill will prevent someone who is proud to be heterosexual but who is tolerant deep down inside from receiving services from the federal government or having the sex life he wants for himself.

May I make a final appeal to Reformers; I know there are generous people among them. I know that, like us all, they too were elected and that all of us in this House share the same mandate. To them I make a final appeal to review their position and vote in favour of this bill.

We may well disagree on economic policies or on the national issue. I, for one, will continue to defend my ideas on economic matters—which may sometimes go against those of the government—and I will remain a sovereignist. However, when we as parliamentarians witness open discrimination, we have a duty to help end these practices. To Reformers I make a final appeal to review their position and find it in their hearts to vote in favour of this bill.

[*English*]

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Madam Speaker, I am pleased to speak to Bill C-33, as it addresses amendments to add sexual orientation as a prohibited ground of discrimination under the Canadian Human Rights Act.

I want to review and put into the record how we feel about the inclusion of sexual orientation as a protected category in the Canadian Human Rights Act.

We have considered the arguments for and against the inclusion of these words and we take the following positions. We affirm that all Canadians, including homosexuals, are entitled to life, liberty, security of the person, freedom from discrimination regardless of personal characteristics, and that these entitlements should be strictly enforced.

We affirm that these entitlements should be based not on personhood, not on sexual orientation or any other personal characteristics.

We oppose the tendency of the courts and of Parliament to create or recognize different categories of persons in Canada for the purpose of defining or augmenting their rights under the charter or the Canadian Human Rights Act. We oppose the practice of granting undefined or unlimited rights under the charter or the Canadian Human Rights Act.

We oppose the government's announced intention to specifically include sexual orientation as a prohibited ground of discrimination in the Canadian Human Rights Act as both unnecessary and inadvisable.

As I begin to speak to Bill C-33, I salute the people in the House who have stood against the tide. During the last one and one-half weeks there has been a gargantuan effort to pull together strategies and an information battle by the government and the press, a campaign of misinformation or diversion from the real issues.

• (1130)

I state today that the government is bereft of credibility in the program it has put before the Canadian people. It has been driven to hide its own deficit in integrity through what it has done here.

We see the government's cheap political ploys, innuendo and its working with the media to stir up controversy rather than looking at what needs to be asked and addressed. We see things happening that cover the fact that the Liberals failed on their GST promise. They failed on their handling of the Somalia affair, the Krever commission, the Westray mine. The families and people involved are looking to this place and asking: "What are you doing?" The unity debate, what have we done there? This government has failed the Canadian people in so many ways.

Two and one-half years ago I came to this place not to save the country. Many people here have certain reasons for coming to this place. Certainly part of what was in my heart was to address the weakening structure of this country's families. I say that from the heart. There is not a lot of glitz. There is not a lot of glamour in saying that I stand for family, but our families and the institutions surrounding them are fundamental to so many things.

The importance of the family within Canadian society is like building a wall of defence for this country, but it can only be built one brick at a time. And the wall will only be as good as the bricks that make it up. If those bricks are fractured, chipped or substituted with something else, the building blocks will weaken the wall of defence. We will have a wall that is open to decay, open to attack and open to a loss of security for this very country.

Today, that wall which has been built with the bricks of families is crumbling beneath us. We see it in our justice system. We see it in our economic system. Families in distress. We see it in the loss of hope of Canadians.

The heroes of our day are those who invest their time and effort into brick making, that is, creating strong and healthy families to build this country. Those folks are in our homes, in our communi-

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ties, in our churches right across this land. Those people are on both sides of this House. They have stood bravely.

Today I am pleased to express not just my concerns about Bill C-33 but convictions that I hold. First, I believe in the equality of all Canadians. The basic principle that Canadians are equal under all our laws is one which defines the policy and approach of the Reform Party. It has affected many of our policies.

In our unity principle for Canada, we stand on the fact that Canada is created of 10 equal provinces under this great Confederation. There are no special rights for any one province. The equality principle extends to the basic definitions of the rights and privileges of every individual in this country.

The Reform Party and I utterly reject the definition of equality based on a listing of groups and the promotion and protection of certain categories based simply on historical disadvantage. Where in that is true equality today?

The Liberal mindset is to list categories, to elevate or to look at the different rights of different people and elevate the rights of one group which by definition is at the cost of another.

For instance, we see the failed policies of employment equity rejected by Canadians, that is, the right to hire and to promote people based not on their ability, based not on getting the best person for the job but based on their membership in a category in one of those lists. I say shame on that mindset. That makes the rights and privileges of these individuals unequal. In fact, some in our society become more equal than others.

• (1135)

The Reform Party rejects the listing of categories in the Canadian Human Rights Act and in the charter.

If we look back in history we see that it was Trudeau's repatriation of the Constitution that brought in our charter of rights. It brought in that first list. The charter of rights replaced the pre-existing bill of rights which had no such list. But a man introduced a list and the impression of equality by category.

In this debate I learned that the American bill of rights and before that the French declaration of the rights of men and citizens of the 18th century have no lists. Equality is simply stated as the universal right of every individual. That is the model used in many countries of the world.

However, for whatever reason, our Prime Minister of years past decided that a list was the way to go. It has allowed the courts to pit the rights of some Canadians over others. It has introduced a system of special rights by inclusion in the list and lesser rights by exclusion from it.

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An hon. member mentioned earlier how we could question a list. Great thinkers in history have done very well without a list. The list is again mirrored in this approach to the Canadian Human Rights Act. Interest groups are lining up to be included.

Our party has said it would delete the entire list, not add another category to something that is already at fault. We believe in equality before and under the law for everyone and the equal protection from discrimination under the law which is provided in the charter. We believe that all Canadians should have their rights protected, including the very right we are discussing today, the right to freedom from discrimination. My first conviction is that equality for all Canadians is a basic right.

The second conviction I bring to the House today is that the government has abandoned Canadian families. The family is the foundation of society. As our families go, so will society go. The Liberal attempts to redefine it to reflect our changing times do not make sense. We should be looking at how we can strengthen this institution. It is the basic building block of our society. It has been defined through time and tradition. When anyone attempts to alter its importance in society it should not be taken lightly. Our families build this world. It is strength in our families that will lead to strength in our nations.

Today I would like to demonstrate where the government has abandoned the family. Under the guise of human rights it will promote the reconstruction of the basic definitions and the understanding of this basic building block of our society. It will open up a gateway of interpretation for our courts once it is passed. This gateway of interpretation will facilitate a social reconstruction which will affect more Canadians in more aspects of their lives than we can image.

The government has abused its majority. It has rammed through this legislation. To prevent the implications from being realized, the government has rammed this legislation through in approximately two and one-half days of debate and one and one-half days in committee. Even then the committee was loaded with pro government witnesses and pro government MPs. This is an abuse of power and it is a deception of the Canadian people. It is a lack of integrity within the process that would address this most important issue.

• (1140)

It was interesting in committee. Two people on that committee also sat on the 1985 all-party committee which has been quoted so often in the House. That was the very committee which recommended for the first time that sexual orientation be added to the Canadian Human Rights Act. It was interesting that the chair of the present committee, who was also on the 1985 committee, admitted it was the member for Burnaby—Kingsway who wrote that committee's report.

In my earlier presentation to the present committee I said that the 1985 committee went beyond its mandate. I challenge this House: Who is it that authors reports from committees in this place? Why was a member from a third or fourth party—whatever it was at that time—assigned to author that report? That report is quoted again and again to justify what we are doing today.

Most members were in the House last night. We saw graphically the lack of promises. The avoidance of the issue was demonstrated once again. The justice minister time and time again either has put forward statements which I believe are misleading or has refused to answer specific questions. Those issues were put to the test last night.

We asked the minister to make promises or to clarify where the bill was going. In committee, within this House and in dialogue with him we asked what were the implications of the bill. Last night, those members with concerns about the bill spelled out their concerns and put them forward as amendments. They are the concerns not only of people in this place, but of Canadians from coast to coast. With just a few days to ask these questions, we put them forward. We put it to the government to answer the question of what the effect will be of this bill. Our concerns should be the concerns of every Canadian and I believe they are.

What is the government record? The justice minister has said that this legislation is simply a matter of adding two words to the act, a very simple bill of two clauses and that those two words would prevent discrimination and would have no bearing on other legislation. He also said that there are eight provinces with similar legislation which has not caused any problems and why in the world would we be worried about such a thing here. I will briefly look at four major areas of concern which were brought up last night.

One of the questions Canadians are asking is whether this will authorize same sex benefits. Will spousal benefits come out of what we are looking at in this bill today? Report stage Motion No. 14 sought to verify that no change would be implicit in this bill in regard to spousal benefits. It added a new clause to affirm that nothing in the bill would result in same sex benefits, a very simple amendment. The amendment was defeated by the government in a vote of 166 to 50. The government was not prepared to make any commitment on that promise even though it seemed to indicate it on every side.

• (1145)

The Ontario bill 167, last year when it was brought in for a free vote, as supposedly this one is, they were at least honest enough to explicitly state it would change benefits and some other things. Last year in a free vote in Ontario it went down to defeat.

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Bill C-33 neither states this will be an implication nor has it been given any time for public discussion or debate. Again the claim by the minister is that the bill is simply basic protection from discrimination.

The Minister of Justice wrote a memo to Liberal MPs not long ago stating this amendment will not result in the extension of benefits to homosexual partners. I am sure Liberal members said "good, I can go home and tell my constituents they have nothing to fear".

Government officials and the justice minister have admitted this will logically lead to a provision of spousal benefits. I quote Max Yalden, chief commissioner of the Canadian Human Rights Commission, March 15, 1994: "We are strongly in favour of an amendment to the human rights act that would prohibit any discrimination based on sexual orientation. That means if benefits are paid to a heterosexual couple, the same benefits should be paid to a couple living in the same situation, except that they are two men or women".

The justice minister in an exclusive interview with a pro-homosexual newspaper in March, 1994 is quoted as saying: "If the government takes the position that you cannot discriminate, it follows as a matter of logic that you have spousal entitlement to benefits". He and Max Yalden seemed to agree at that time anyway. However, neither is willing to admit it at this time either to the House or to the Canadian public.

If the Canadian Human Rights Act has nothing to do with spousal benefits, why is the majority of cases dealing with same sex matters before the Canadian Human Rights Commission based on spousal benefit? It is those cases which are waiting for a decision to be made here. It will happen.

The second question every Canadian is asking is whether this will lead to a redefinition of family, family status, marriage or spouse. This was addressed last night by several of our amendments. Motion No. 11 simply added a clause to the bill affirming that sexual orientation will not define marriage, family, spouse in any act of Parliament. That is very straightforward.

Motion No. 21 suggested adding a clause reflecting a definition of family that would be understood by the majority of Canadians. The definition of family is those related by blood, marriage or adoption. A marriage is defined as a union of a man and a woman, as defined by law. That definition is what most Canadians would abide by.

When the justice minister came before the committee he steadfastly refused to put any definition or proposed definition to the word family in the preamble of the bill. The justice minister in a press release of April, 1996 said: "The proposed amendment will have no bearing on definitions of marriage, family or spouse. It will simply guarantee human rights".

• (1150)

In the committee both the member for Burnaby—Kingsway and I, for two different reasons I am sure, pressed the justice minister time and time again. We asked if this would include same sex unions and what kind of definition of family are we talking about. Neither one of us could get any kind of answer from the justice minister.

I was reading a summary of *Canada v. Mossup* of February 25, 1993. This case had to do with benefits, as many cases do. I quote from it. It is in relation to definitions within legislation. At that time it was looking at the definition of family status: "Parliament's decision to leave family status undefined is evidence of clear legislative intent that the term's meaning should be left for the commission and tribunals to define. The enumerated grounds of discrimination are established so that the meaning is not frozen in time and scope and may evolve".

It admits at this time that the lack of definition for the term family status is specifically so that courts can change that definition.

Logically from that, the lack of will to define family within legislation leaves it within the purview of the courts not only to define it but to evolve that definition. It means redefinition by courts by not defining it.

In 1993 Chief Justice Lamer of the Supreme Court of Canada commented on the effect of the inclusion of sexual orientation in the Canadian Human Rights Act. He said if sexual orientation had been included in the act we are looking at today, his interpretation of the case which he had just reviewed could have been or very likely would have been that homosexual couples would have legal family status.

With sexual orientation in the Canadian Human Rights Act would change the definition of family status. It would change the definition of spouse. It would change the meaning of over 50 federal statutes in relation to those definitions.

Will this lead to affirmative action programs for homosexuals? That is a concern for many Canadians. Motion No. 18 last night stated that nothing in the addition of the words sexual orientation in the two sections will result in the inclusion of those terms in section 16, the section dealing with special programs or affirmative action.

Even though specifically these words are not included in section 16 of this proposed amendment of the government, these words are included in section 3. The first words of that section read "for all purposes of this act" and then goes on to include sexual orientation.

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Therefore it is not only possible, probable, but perhaps surely sexual orientation will be read into section 16. Last night the government again defeated the amendment that would have clarified that concern.

Why are the words sexual orientation now appearing on application forms in post-secondary institutions? Why in this upcoming census for all Canadians, a census whereby the government gets the proportions to use in affirmative action programs, for our employment equity program, will sexual orientation questions appear? It would appear that will become part of the government program.

In the committee we had the Ottawa police delegation. It admitted it now uses employment equity practices in its hiring and in its promotion. Right now it is actively and proactively recruiting gays and lesbians for the force. It does not take a lot of imagination to see that becoming part of its total employment equity program.

• (1155)

Will individual freedoms such as the freedom of religion, expression and association be affected? This is a concern of every Canadian.

The justice minister in his opening speech on the bill gravely misquoted the Catholic catechism in his speech. This is in terms of freedom of religion. He spoke that day for religions and basically said the legislation did not offend any religion. In saying this, the justice minister made a gross intrusion on and a gross misrepresentation of many Canadians. He abused the jurisdiction of his office in saying that.

I have letters from different religious organizations firmly opposed to what is going on here today, the Ontario Association for Catholic Families, the Canadian Conference of Catholic Bishops, the Christian Ministers Association, British Columbia-Yukon District Pentecostal Assemblies of Canada, the First Baptist Church in Nanaimo, the Vancouver Chinese Evangelical Ministerial Fellowship, the Bishops Office of the District of Kamloops, to name a few.

How could the justice minister have been so blatantly wrong in making that statement? The justice minister also stated the provincial experience indicates there have been no conflicts and no ill effects of implementing sexual orientation in their human rights acts.

I have just a couple of examples. There was a legal case in 1980 in Quebec. The Catholic school board of Montreal was forced to rent out its facilities to the homosexual association of Quebec. The Catholic school board of Montreal argued homosexuality was condemned by the church and it, as an educational institution and as a church, had the right to resist renting out its facilities. The courts did not agree.

A second example is in Alberta, Queen's Bench, 1994. The employee of a religious institution was dismissed because he did

not comply with that institution's policy on homosexual practice. The right to his employment was struck down on appeal. It has been said the very movement at the federal level for introducing this term into the federal Canadian Human Rights Act has been precipitated by the fact that this provincial court struck this down, and in order to ensure this would be the direction of this particular place the legislation had to be done sooner rather than later.

However, the issue remains a religious institution challenged as to its own choices and who should work with it.

A third example is the Manitoba Human Rights Commission, March 1993 in Winnipeg. The case was *Kippen v. the Big Brothers Association of Winnipeg*. It was alleged that the Big Brothers Association of Winnipeg discriminated against this individual when it refused to match this individual with a little brother because he was gay. Big Brothers did have a policy not to match a gay person with a little brother unless the parents specifically indicated a gay man would be acceptable to that match. However, that provision was not good enough. This was challenged within the Manitoba Human Rights Commission.

This was deemed to fall under the category of provision of services, which falls under the Canadian Human Rights Act, but it went against the Big Brothers Association of Winnipeg.

• (1200)

A fourth example is a decision by the B.C. Council of Human Rights, dated August 4, 1995. In this decision it was determined that a doctor discriminated against a lesbian couple when he refused to provide them with artificial insemination services because they were lesbian.

It is interesting to note that this doctor had provided this type of service to a previous lesbian couple, had been caught up in their litigation and so had decided to withdraw from this kind of scenario for his own reasons. The doctor, who had previous artificial insemination litigation, argued that professionals should be able to provide services to whom they choose. However, the council did not agree with him and so it was struck down.

The two people involved in this litigation, Tracy Potter and Sandra Benson, are constituents of mine and I have met with them. Last year I received a birth announcement from them so obviously they found someone who would meet their need. In the meantime there was a human rights challenge against this doctor.

A fifth example has to do with the effects of provincial decisions. The justice minister claimed that what happens in the provinces has been fine and has no effect through the country.

The Leshner case was before the Ontario board of inquiry and the Canadian human rights report, September 1992, states that the majority concludes that the definition of marital status be read down to remove recrimination based on marital status by reading out the phrase "of the opposite sex". Further, it urges the Government of Ontario to make every effort to persuade the

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Government of Canada to change the Income Tax Act, and if political persuasion is unsuccessful then to take legal action.

In addition to these court cases I would also like to put to the Canadian public and to the members of the House that when we think of lists and categories, I think of the experience with visible minorities here in Ontario. I am familiar with police departments that are not allowed to keep criminal statistics by visible minority categories.

Yesterday the issue was raised that these are facts that would help society not to discriminate against a group but to help the whole. If there is problem within a group that should be addressed and not be denied on the basis of discriminating against a group.

However, last night a member of my party was challenged when he brought forward health statistics. What will happen if statistics, if facts, if the very things that will create decision processes are not allowed to come forward whether it be for treatment, funding or anything. What if these facts can be put down and made untouchable, groups made unaccountable, because of the protection of this word discrimination.

What about freedom of expression? I am aware that a homosexual lifestyle is already being taught as equivalent to a heterosexual lifestyle in our schools. I am also aware there is federal involvement through Health Canada in our schools. There has been a curriculum development through violence initiative funding or it had been there.

The government has put out a guideline to sexual health that is in every province. It has outlined curriculum for sexual health and those guidelines go from kindergarten to grade 12.

Do Canadians know this has happened? I do not think so. Has there been freedom for parents to speak up and choose what it is that is being taught to their children, and the freedom to know of government involvement in this area, or what it is their children are being taught or suggested by the government?

• (1205)

I believe Bill C-33 is a gateway to the agenda of a powerful special interest group. It is not about individual discrimination, it is about special rights. It is about an invasion of family rights and privileges.

I believe that the family deserves special recognition in our society. It should not be tossed away lightly by a government which has already been responsible for much of its decline. In the name of progress, openness and rights, the family is increasingly becoming the unfortunate casualty.

I have a shocking quote from a government witness to the committee on Bill C-33. The first vice-president of the Canadian Association for Community Living said last week: "While we hear a great deal of lamenting of the fact that the traditional family is deteriorating, we must acknowledge that many of those changes have benefited women, children and society at large". This seems to be the mindset of the government. It seems to be the mindset of the bureaucrats. It is definitely not the mindset of the vast majority of Canadians.

I am reminded of one of my experiences when I was in China. While there I visited the great wall of China. The people of China wanted security behind the wall from the barbaric hordes that lived to the north. The wall was so high they thought that no one could climb over it. It was so wide they were convinced that no one could break it down. It was an awesome sight to look in both directions as far as the eye could see to see this wall snaking across the top of the mountains. It was wide enough for a chariot to drive on. Even today they say it is the only man-made structure which is visible from outer space. It is not surprising that the Chinese settled behind that wall, secure in their accomplishment.

During the first 100 years of the wall's existence China was invaded three times. Not once did the barbarians break down the wall, nor did they climb over it. Every time they bribed the gatekeeper and marched right through the gates in the wall. The Chinese were busy relying on wisdom and accomplishment and forgot the importance of integrity.

The process that we have seen in the last few days is bereft of that integrity. It is true that integrity will not come from edicts and legislation. Governments, try as they might, cannot legislate the moral fibre of the nation, but governments and the laws which they make can and do have a profound effect on those institutions which are the bedrock of society. Integrity is the most important single quality for any individual or nation. It is born and thrives in the bosom of the homes of the nation. To blithely reorder society's foundation is to threaten the nation's future.

Our future lives in the institution of family, faith and cultures. The lawmakers that deny or attempt to disregard the fundamental necessity to safeguard these historic institutions will eventually undo the fabric of the nation.

I would like to move:

That all the words after the word "That" be deleted and the following substituted therefor:

Bill C-33, an act to amend the Canadian Human Rights Act, be now read a third time since, as assigning special categories to certain groups in law, this bill does not seek to uphold the principle of equality of all Canadians while at the same time, it fails to ensure that the current legal definition of marriage, family and spouse in

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federal statutes and regulations will not be altered and that fundamental freedoms in society will not be infringed upon.

• (1210)

The Deputy Speaker: The hon. member did not include the word “not” in her amendment. I assume she meant it. Would she so indicate?

Mrs. Hayes: Yes it is, I believe.

Mr. Allmand: Mr. Speaker, I rise on a point of order on exactly that point and the balance of the wording in the amendment. It is my understanding that only a reasoned amendment can be moved at this time. I question whether the amendment as worded meets the requirements of a reasoned amendment.

We are on third reading. We cannot, at this time, amend the clauses of the bill. The traditional type of reasoned amendment can be made but—the House leader is not here and the whip is not here—the wording of that amendment does not meet the requirements of a reasoned amendment.

The Deputy Speaker: The member neglected to read the word “not” which is in the text. The amendment was submitted in advance. People who are far more knowledgeable than I am in these matters have ruled that it is an acceptable amendment. Accordingly, it is a receivable amendment.

Mr. John Godfrey (Parliamentary Secretary to Minister for International Cooperation, Lib.): Mr. Speaker, I will be sharing my time with the member for Hamilton West. I rise to offer my unqualified support for Bill C-33.

It was not my original intention to speak on this bill. I came to Parliament for a number of reasons, as did the member for Port Moody—Coquitlam. My reasons were long. I came here to try to promote national unity, to help with wealth and job creation, to deal with Canada’s participation in an expanded NAFTA, to promote programs for early childhood support—my contribution to the family other than having a two-year-old—and to support issues in science and technology, to defend Canadian culture and the environment.

I did not really think I would be standing here and speaking on this motion today. My original view of Bill C-33 was that it was so restricted in its application, so obviously necessary, so consistent with the principles of my party that it was hardly worth debating or discussing. It is precisely this debate and this division within the House and indeed within my own party, this passion, which has convinced me not only to support the bill, something I had always intended to do, but to speak today.

What is the bill about? This bill simply adds sexual orientation to a list of prohibited categories for discrimination. We are talking about basic human rights here. We are not talking about lifestyle

choices. It is simply about outlawing discrimination for that 10 per cent of Canadians who work within institutions covered by federal jurisdiction.

With respect to the hon. member for Port Moody—Coquitlam, it has nothing but nothing to do with the five examples she gave us from Ontario, Quebec, Manitoba, British Columbia and wherever else she spoke. All of those are strictly a matter of provincial jurisdiction. They are covered in the 90 per cent of the population that this bill does not deal with. It is not about provincial jurisdiction, despite the examples she cited.

This bill does not cover 90 per cent of Canadians who live and work outside federal institutions. It does not apply to marriage, which is a provincial matter. It does not apply to adoption, which is a provincial matter. With respect for the member for Port Moody—Coquitlam, it does not apply to the family. Indeed, the preamble to the bill “affirms the importance of family as the foundation of Canadian society”.

Oddly enough, it is not even about religion. To suggest such a thing is to read things into the text which simply are not there. We could add a number of things which it does not concern. It is not about the Canadian Wheat Board. It is not about Pearson airport. It is not even about the Great Wall of China. Nowhere do the words Great Wall of China appear in the text.

• (1215)

Let us go through some of the arguments made by the member for Port Moody—Coquitlam. The first one is why a list and why a specific reference to the category of discriminated persons. It is obvious. In the absence of a specific reference to sexual orientation one can quite categorically affirm that there have been examples of blatant discrimination within federal institutions, notably within the armed forces.

The second point is the family, which I have already alluded to. It is not about the family, even though we have reaffirmed our basic faith in the family in the preamble. The member asked why is there no definition of family. The member answered her own question by her inability to give one when pressed without a piece of paper in her hand. If it is that complicated, why on earth should we put the definition of a family in that she could not provide under pressure?

The third argument the hon. member raised had to do with ramming through. Who is ramming through? I thought we had declared this a free vote. I noticed that on our side there was some division of opinion last night and there may even be later today. What I did not detect was any sign of a free vote on the other side of the floor from the very member who made the point. Those who had views on either side seem to have been excluded, whatever the moderation or extremity of the views. Who is ramming through what?

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The hon. member said there were no references in the legislation to same sex benefits. I find this a very curious logic. On the one hand the member asked us to add all sorts of detail to define the family, to talk about marriage, benefits and so on, but on the other hand eliminate any reference to categories of discriminated persons. Either in logic one believes everything should be included in the bill, that is to say both lists of discriminated persons and exemptions and exceptions and all the concerns she raised, or one is for simplicity in law. To be half for simplicity and half for complexity leaves me a little confused.

Given what the bill is about, which is modest, and what it is not about, which is vast, what is the real reason for this passion in the debate? Without giving a detailed psychological analysis of all present, which would probably not be appreciated by anyone, it seems the bill carries on its thin and bony shoulders the weight of a tremendous burden; that is, the weight of all changes that have taken place in Canadian society since 1950, plus the Great Wall of China to boot.

It is simply an expression of fear of change. A fear of the differences which are emerging in our new Canadian society. That is what the passion is about. That is not what the bill is about. Therefore those are the reasons that convince me to vote for the bill and to speak in favour of the bill; however, it is this very passion, this very fear, that convinces me we need such a bill.

Mr. Stan Keyes (Parliamentary Secretary to Minister of Transport, Lib.): Mr. Speaker, this has become an extremely controversial debate. However, my constituents in Hamilton West will know I have never shied away from addressing important issues such as this one.

They will know I have consulted with many of them and I have read their correspondence. My constituents know where their MP stands on the issues.

My constituents are entitled to know my position on Bill C-33. Therefore I consider it a privilege in the House today to clarify my reasons for voting in favour of the proposed amendment to the Canadian Human Rights Act.

Amid the current angst over same sex relationships and other related issues, it seems rational considerations have been overshadowed by narrow minded, sometimes self-righteous statements from some members in this place. As opposed to embracing one of the conveniently packaged positions, for example the news headlines that scream out right wing fundamentalist homophobe or gay rights activist, it is worthwhile to examine Bill C-33 for what it is. It is an act to amend the human rights act.

• (1220)

It is truly unfortunate that the central focus of the bill has been distorted by other peripheral issues. In recent days I, like many of

the other members in the House, have received phone calls and letters from individuals in my riding who have some very passionate but often ill informed views on this issue.

As a member of Parliament I am concerned about the general welfare of my constituents. Consequently from time to time I, like many of my colleagues on this side of the House, do everything I can to help my constituents address various needs and deficiencies related to the federal government and federally regulated services and operations.

In keeping with this I am primarily concerned with identifying how the proposed legislation, the bill before us today, will help us ensure federally regulated workplaces are tolerant and free from unwarranted discrimination.

I take this opportunity to address some of the specific concerns raised in various letters I have received from my constituents with respect to Bill C-33. For example, in their letter John and Judy wrote: "It is only used to promote tolerance for a particular lifestyle today. What will it protect tomorrow, pedophilia, incest? Also, we feel it will break down the family unit which God has instituted from the very beginning. Why should we pay for benefits for same sex couples when our country is in debt already?"

Pedophilia is not a sexual orientation. It is a crime. It is a crime regardless of whether the offender is heterosexual or homosexual. The suggestion that pedophilia may be read into the phrase sexual orientation has no legal basis.

Seven provinces have had similar wording entrenched in human rights legislation for almost two decades. In that time the term of sexual orientation has never been used as a defence against criminal charges of pedophilia. Clearly pedophilia would not be protected by human rights legislation under any circumstances.

With regard to the definition of the family, no changes are planned or necessary as a result of this amendment.

On the issue of same sex spousal benefits, the amendment will not extend same sex benefits to partners of gays and lesbians. On this point it should be noted that in *Egan v. Canada* the Supreme Court of Canada held unanimously that sexual orientation is a prohibited ground of discrimination under the equality provision, section 15, of the charter. In that case the court also held that such discrimination did not support the extension of pension benefits to same sex partners.

In another letter, Ruth wrote: "I do not desire the bill to be made law that gives homosexuals equal rights to be married and adopt children".

First of all, marriage and adoption fall under provincial jurisdiction. This amendment deals with discrimination in employment, accommodation and provision of services, and nothing else. It does not condone or condemn homosexuality or heterosexuality.

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In his letter, Norman wrote: "This addition removes the right of upright individuals to teach and practise moral convictions based on the truth of the Holy Bible simply to accommodate individuals practising the most loathsome, unnatural and filthy lifestyle".

On the same point, Paul wrote: "In all probability it will be illegal to teach, even in places of worship, that homosexuality is immoral, even though this is clearly the doctrine of many faiths, including Christianity".

It should be noted, however, that churches, religious organizations and schools are not under the federal jurisdiction. The amendment to the Canadian Human Rights Act will not affect the way they teach or the way they operate.

Throughout this debate there has been confusion with the provision of special privileges or immunities and prohibiting discrimination. The bill represents the latter and not the former. The Canadian Human Rights Act and the amendment we are speaking of today are intended to prohibit acts of discrimination based on, among other things, age, race, religion, colour and sexual orientation.

As evidenced by the recent racist and homophobic remarks uttered by several members in the Reform Party, it appears we need legislation just like this in order to illustrate in very clear terms our distaste for discrimination and the rejection of racist and homophobic attitudes in society.

• (1225)

Once again to be clear, the purpose of this legislation is to make certain that workplaces in federally regulated industries are tolerant and free of unwarranted discrimination. The clear majority of Canadians support this amendment and have for many years according to various opinion polls. Most people do not even consider the issue to be extremely controversial.

I am proud my colleagues on this side of the House and some of the more progressive members opposite have shown such overwhelming support for the government's attempts to protect the basic human rights of our fellow citizens.

In the first session of the 35th Parliament the government passed legislation to toughen sentences for hate crimes and moved to address the needs of vulnerable communities in society. Not only does the government realize that discrimination exists in society, but we are ready, willing and able to deal with it head on through the legislative process.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I continue to hear members on the government side saying how great this piece of legislation is and how they think it will advance society.

We have one law dealing with sex in the workplace, the sexual harassment law. It states sexual innuendo, sexual prowess, sexual adventure, sexual escapades, sexual anything are absolutely not to be tolerated in the workplace. Courts have passed judgement on

that. The Treasury Board has issued guidelines on that. There are numerous investigations by the Treasury Board of complaints by civil servants who feel they have been sexually harassed in the workplace.

Now Minister of Justice has introduced this piece of legislation which states sexual orientation is fine in the workplace. I have to scratch my head and wonder which legislation will take precedence. Will sexual harassment now be tolerated in the workplace if someone can identify or show their sexual orientation is somehow important and they need to have that protected? Or will sexual harassment still be absolutely and totally forbidden?

Does the member support the sexual harassment legislation? If he does and says that sexual anything is not allowed in the workplace, what will he allow and what will this piece of legislation do to sexual harassment? Will it be allowed or will it be forbidden?

Mr. Keyes: Mr. Speaker, I have heard the comments of the member opposite and of many of his colleagues. I can only conclude we are witness to the ill intentioned conversing with the ill informed. That is precisely why we are bringing forward this kind of legislation.

The legislation before us has nothing to do with all the peripheral items the members opposite and those who are ill informed in the community are trying to bring forward. They are trying to make something out of this bill, out of the amendment that is just not there.

Why not see the amendment to this bill for what it is? Why not recognize that in today's society we have to deal with communities fairly and forthrightly? The amendment does precisely that, and that is all it does.

Members opposite can try to drag in all types of different arguments, for example arguments on what constitutes the family. Can the member opposite provide for me a definition of family? We heard it from the member for Port Moody—Coquitlam, man, woman, child or children.

• (1230)

Mr. Williams: And married.

Mr. Keyes: And married says the hon. member, proudly.

My best friend in my riding was married once and divorced. The lady he lives with was married once and divorced. They both had two beautiful children from each of their previous marriages. They came together to live and reared those children from the ages of 10 until today those four children are now gone. They have left the nest, as they say, and have gone on to become productive members of society. They have gone on to do what they have to do to get jobs and get an education. That now leaves my best friend, who is divorced and not married, living with his lady friend. Does that make them any less of a family in the member's eyes? Is this couple, who have brought up their children from previous mar-

riages and have been living under the same roof for over a decade, not a family?

One can imagine if we had to try to define what is a family. Is a single mom living with her daughter not a family? I can understand the complications that would come about as a result of trying to make that kind of a definition.

Again even I find myself straying from the main point which is that the purpose of the bill is strictly an amendment to the Canadian Human Rights Act. Let us deal with it for what it is and not what hon. members opposite might want it to be.

Mr. Svend J. Robinson (Burnaby—Kingsway, NDP): Mr. Speaker, it was 16 years ago in the special committee on the Constitution of Canada that I as a new member of Parliament having been elected in 1979 first introduced an amendment to the Canadian Charter of Rights and Freedoms, the equality rights section of the Constitution of Canada, section 15.

That amendment was to include the two words “sexual orientation”. That amendment was defeated overwhelmingly. I will never forget the words of one of the committee members in speaking against that amendment. He said: “A family cannot include every barnacle and eavestrough in the Constitution of Canada”.

I was then what he would have called a barnacle or an eavestrough. I am a gay man but it was not to be until the spring of 1988 that I came out publicly and affirmed that it was a part of who I am as a human being.

We have travelled a long road in 16 years. I recall another committee I sat on in 1985, a special committee on equality rights. That committee held hearings across Canada about what the meaning was of equality in Canada in section 15 of the charter of rights and freedoms. The committee was made up of five Conservative members of Parliament, one Liberal member of Parliament, the member for Mount Royal, and myself.

We travelled across this land. We held hearings on my private member's bill that would include sexual orientation in the Canadian Human Rights Act. That committee was moved by the power and the eloquence of those witnesses we heard, in some cases behind closed doors, appealing to their elected representatives to do the right thing and recognize that gay, lesbian and bisexual people in Canada are entitled to basic equality.

• (1235)

Basic equality, not special rights. How many times have we heard the suggestion that this amendment is about special rights? This amendment has nothing whatsoever to do with special rights or privileges. This amendment is simply sending out a signal from

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the Parliament of Canada that gay and lesbian people are entitled to be treated in law as equals. It is not a revolutionary change.

[*Translation*]

It will soon be 20 years since these changes were made in Quebec, in 1977. Quebec was the first province to list sexual orientation as a prohibited ground for discrimination in its charter of rights and freedoms.

[*English*]

Since then seven provinces and the Yukon territory have done the same thing. The courts have moved. Indeed in 1991 the Ontario Court of Appeal, in an appeal by Graham Haig and Joshua Birch, wrote in the words “sexual orientation” in the Canadian Human Rights Act. It said if Parliament was not prepared to ensure that equality was included, the courts would do it for Parliament.

Here we are today, five years after the courts have said this is what this section requires. I find it incredible that the two words “sexual orientation” should still generate such emotion. Gay and lesbian Canadians are not people from another planet. We are brothers and sisters, sons and daughters, neighbours, friends, mothers and fathers, and co-workers. We are saying that our time has come. Indeed, it is long overdue.

I want to make it clear that this day would not have arrived had it not been for the tremendous courage, strength and commitment of many gay and lesbian people across this land, people like Jim Egan and his partner Jack Nesbit. They have been together for over 40 years. They fought to the highest court of the land, the Supreme Court of Canada, for the right to have their relationship treated as equal, to have their relationship affirmed in law.

I think of people like Doug Sanders. He was there in the 1960s in one of the first groups, the Association for Social Knowledge, fighting courageously for awareness and for equality. I think of people like Michelle Douglas. She is a former captain in the Canadian Armed Forces. She was one of the finest young officers the forces had seen. She was told one day that her job was gone simply because she was lesbian. She fought back and she won. I think of people like Jane Rule, Timothy Findley and others who have put into such beautiful words, such powerful and eloquent words, the struggle of our people for equality and justice.

There are so many others who I cannot name, but who made it possible for me to take the step of coming out publicly in 1988 at a time when many of my colleagues suggested it would be political suicide. The people of Burnaby—Kingsway have re-elected me twice since then. They have sent a powerful message that what

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matters is not one's sexual orientation, but one's ability to do the job. That is what this bill is all about. Nothing more, nothing less.

• (1240)

The bill sends a signal to the people of this country. While we cannot change their attitudes, if they want to send gay and lesbian people to the back of the shop, if they want to fire them from their jobs, if they want to deny them access to goods and services or to homes, they are not going to be allowed to do that solely on the basis of sexual orientation. For anybody who thinks that it does not happen, it happens all too often. This law will be a signal from the Parliament of Canada that it is not acceptable and there is a recourse in law to the Human Rights Commission.

As long as someone is afraid of losing their job or being thrown out of their home, that has a profound impact on another area as well. The committee that studied this bill heard from Chief Brian Ford of the Ottawa Police. I want to pay tribute to Chief Ford and to members of his hate crime section, Dan Dunlop, David Pepper and others. They pointed out that if someone is afraid of losing their job and if gay bashers beat them up, they are not going to report it.

Two weeks ago I was in Red Deer, Alberta. I was told about a gay man who was beaten up in Calgary the previous month. Both his arms were broken, his ear was cut off and he was in a coma. Why? Because he was gay. In some cases people like that are afraid to report the bashing because they do not want to lose their job. That is not good enough.

It is shameful that still today in some jurisdictions in this country fear exists because there is no human rights protection: Alberta, Prince Edward Island, the Northwest Territories, Newfoundland and Labrador. This is another reason for the bill, to send out that signal that this is not acceptable.

Some members of the House have asked about the possibility that this might recognize gay and lesbian families. Let me say that when gay and lesbian people are involved in committed loving relationships, caring relationships which survive against incredible odds, we as communities, we as a country should be affirming and celebrating those relationships and not denying them. If this bill in any small measure helps to affirm and to recognize those relationships, then I say that is a good thing.

The courts have ruled on discrimination. Supreme Court of Canada Justice Cory was supported by Judge Sopinka and a majority of the court when he said: "To treat persons of the same sex who represent themselves as a common law couple differently from persons of the opposite sex representing themselves as a common law couple is a differentiation which must be based upon sexual orientation". He is right.

I hope that this legislation, this modest amendment will be another means whereby the Human Rights Commission and the courts can indeed extend that equality to committed loving gay families. If anybody needs any proof of that love and commitment, look at the AIDS ward in a hospital in Toronto, Montreal or my own city of Vancouver. Look at the kind of compassion and love that is demonstrated in the face of this epidemic that we as gay people are living in. If those are not traditional family values, if those are not values that should be affirmed and celebrated, I do not know what is.

This bill is a response to the plea of my late friend Kevin Brown, one of the founders of the B.C. Persons with AIDS Society. He talked about how gay and lesbian people have to confront the HIV virus but they should not have to confront another virus, the virus of homophobia, of hatred, of fear. This bill is a small step in confronting that virus as well.

This bill is not the last word. This is a change in law which ultimately must change a society which allows widespread hatred and discrimination which is doubly profound and serious for those who have to face racism, sexism, anti-Semitism. Ultimately the bill is not about liberation, which is the ultimately objective of gay, lesbian and bisexual people, because there are many steps that remain to be taken.

• (1245)

We still have to recognize the struggles of trans-gendered people who too often are invisible, whose struggles are not acknowledged, in some cases even in gay and lesbian communities.

We cannot speak about full freedom and justice as long as gay, lesbian and bisexual youth still have levels of attempted suicide and suicide which are devastatingly high. Only aboriginal youth have comparable levels.

On the fear, the alienation that too many gay, lesbian and bisexual youth experience in their daily lives, the fear of coming out, we heard very powerful evidence from child psychiatrists before the committee about the impact this has.

I remind the House that alone, among all minority groups, gay, lesbian and bisexual youth in some cases cannot even turn to their own families for love and support. Their greatest fear is their families may find out, so they struggle alone in silence. They cannot even in some cases turn the church because they are condemned as sinners by too many of the churches.

I want to acknowledge and celebrate the struggle of those working within the churches to change those attitudes, people like Bill Siksay in the United Church, the Metropolitan Community Church, groups such as Dignity, Affirm, Integrity and many others, pleading with their churches to recognize and celebrate the reality.

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I refer to a Catholic priest who wrote a letter to the Vancouver *Sun* at the time the member for Central Nova was speaking out in a particularly hateful way. In the letter, Father Norman Birch spoke about a young gay parishioner who had been rejected by his family. He was told by his father "if I was there, I would kill you". His mother said do not come home. Father Birch told the young man that God loved him and that Jesus rejected no one. Father Birch said the day after he met with him that this young man took his life.

At the prayers before the funeral his two sisters and his lover were there, but no parents. When the casket was opened, he said: "I looked at that young man and I realized that homophobia and hatred had put him there. We buried Eddie in a beautiful place at the Gardens of Gethsemani. May he rest in peace".

Father Birch said: "Then I read that the MP for Central Nova said people like Eddie defile humanity, destroy families and annihilate mankind. In this case the reverse happened. Eddie was annihilated by mankind, represented by good Christians like the member for Central Nova. Whatever happened to 'love one another as I have loved you'". I ask that question. What happened to "love one another as I have loved you"?"

I feel a tremendous sense of privilege to stand before the House today as an out and proud gay man and to speak for equality, justice, dignity and for respect for a community which has too often been denied that.

The bill is not the last word, but it is an important word. It is important that members of the House from all parties affirm we as gay and lesbian people are entitled to equality. It is important because it may save a few young lives. It may prevent a few people from losing their jobs. It may encourage a few more people to be out, to be open. It may mean our communities, our neighbourhoods, our country are more decent and equal places.

• (1250)

We are global citizens. Of course there is still much to be done internationally. There are many countries, many jurisdictions in which it is a crime to be in any way openly gay. As our government has acknowledged in a variety of international fora, we must do far more at the international level. I commend the Minister of Foreign Affairs for the leadership he has demonstrated on this issue at the international level.

I thank the Minister of Justice for moving ahead with this legislation. It is an important step forward. For 16 long years I have been battling for this. The first bill I tabled was almost 16 years ago. I have sat on many committees, questioned many ministers.

For me as an individual, for me as a gay man and as a member of a community that has struggled for many years, this is an important

day. As long as gay and lesbian people continue to be victims of bashings, as long as gay and lesbian youth are taking their lives and attempting suicide, as long as people are losing their jobs and are not treated as full and equal citizens, as long as our families are not recognized and celebrated, there is still much work to be done.

Today let us join in celebrating this very important step.

Mr. Tom Wappel (Scarborough West, Lib.): Mr. Speaker, as always, I listened very carefully to the hon. member for Burnaby—Kingsway because I know that over the years he has had a very passionate interest in this subject and has worked very hard to promote his point of view.

I find it very interesting that if one is arguing in favour of the hon. member's point of view, it is quite all right to quote members of various churches. If one is arguing against the hon. member and one quotes anyone from a church, all of a sudden one is bigoted, one is homophobic.

My friend quoted directly from a letter from a Catholic priest. I ask my friend the following question based on the catechism of the Catholic church. My friend brought the subject up, not I.

The catechism of the Catholic church states: "Homosexuality refers to relations between men or between women who experience an exclusive or predominant sexual attraction toward persons of the same sex. Basing itself on sacred scripture which presents homosexual acts as acts of grave depravity, tradition has always declared that homosexual acts are intrinsically disordered. They are contrary to the natural law. They close the sexual act to the gift of life. They do not proceed from a genuine effective and sexual complementarity. Under no circumstances can they be approved. Homosexual persons are called to chastity".

This clearly does not accord with the hon. member's view.

Since this is fundamental tenet of a recognized religion in this country, does the member consider that statement to be homophobic, and if he does should people who believe this as a fundamental tenet of their religion be categorized as homophobic and should this type of religion be outlawed in Canada?

Mr. Robinson: Mr. Speaker, I do not believe labels are at all desirable in this debate. I think we have seen too much of that.

What is important is to acknowledge that there are a variety of deeply held religious beliefs in this country. Certainly the belief the hon. member for Scarborough has quoted from is one shared by a number of members of the Catholic religion.

One of the things we celebrate is not only, one would hope, freedom from discrimination but at the same time freedom of religion. I have fought long and hard for freedom of religion in this country and I will continue to speak out for freedom of religion.

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At the same time I take this opportunity to note that part of the campaign of distortion around this legislation from the member for Scarborough West and others has been the suggestion that somehow this amendment would open the door to a variety of criminal practices. Nothing could be further from the truth. It is absolutely despicable to link homosexuality with illegal practices such as pedophilia.

• (1255)

The reality is, as has been documented very powerfully in a study published by the American Academy of Paediatrics in July 1994, which I would be pleased to table in the House—

Mr. Wappel: Mr. Speaker, I rise on a point of order. I have to assume that in his remarks the hon. member is suggesting I have linked pedophilia with homosexuality. That is absolutely false. I call on him to apologize because that is a slur—

The Deputy Speaker: The hon. member for Scarborough West will probably have the time to make that point in a moment as a matter of debate, which I submit it is.

Mr. Robinson: Mr. Speaker, I briefly want to note the results of this study of 269 cases of child sexual abuse. This was published in the *Journal of Paediatrics*. The title is “Sexual Abuse by homosexuals?” Of the 269 cases, two offenders were identified as being gay or lesbian. In 82 per cent of the cases, the alleged offender was a heterosexual partner of a close relative of the child.

I am delighted to hear the hon. member is not making that link. Certainly that is not clear from reading the documentation he circulated to the House. I welcome his affirming that during the course of this debate.

Mr. Tom Wappel (Scarborough West, Lib.): Mr. Speaker, there is not a single piece of material bearing my name that the hon. member can show anybody that shows I have linked pedophilia to homosexuality. That is absolute nonsense.

It has been a propaganda tool used by those who are opposed to the views I advocate to make me seem something I am not. What I have said and will continue to say is sexual orientation, as a phrase, means far more than heterosexuality, homosexuality and bisexuality. Recognized experts in the fields of law, medicine and psychiatry who have appeared before various committees of the House have given that testimony. It is not I, but they.

None of them has made any link between homosexuality and pedophilia. What they have said is various types of sexual orientations are within that term. They have said pedophilia is a type of sexual orientation. That is the debate and that has constantly been twisted by the hon. member and others to indicate that I have

somehow linked pedophilia with homosexuality. That is a total and complete falsehood.

I ask the hon. member if he would agree with me that Dr. Stephen J. Wormith, chairperson, and Dr. Howard Barbaree, member of the criminal justice psychology section of the Canadian Psychological Association, have indicated that sexual orientation is a key and fundamental component of pedophilia.

John Conroy, chair of the committee on imprisonment and release, national criminal justice section of the Canadian Bar Association said: “I would take the definition that you raised a minute ago. That has certainly been the definition I have always understood, homosexual, heterosexual or some other sexual orientation. It could be any kind of sexual orientation and it could be something that is illegal”.

My point is that if we are to have debate, that is fine. Let us stick to the facts, not lies.

Mr. Robinson: Mr. Speaker, I trust at the conclusion of my time you will want to draw to the attention of the hon. member his unparliamentary language.

On the definition of sexual orientation, perhaps the hon. member is not aware these words have been included in legislation in Canada since 1977, in the province of Quebec since 1977, in seven provinces and one territory. They have been included in jurisdictions throughout the world and not once, never, have those words ever been used to defend any illegal conduct.

For the hon. member to suggest that somehow sexual orientation could be interpreted in a way that would include illegal conduct of whatever nature flies totally in the face of reality. If this were to happen, I would suggest that somewhere in the world in the course of the last 20 years someone might have raised that point. Nobody ever has.

• (1300)

It is just as when we talk about the definition of family. This is another example where the hon. member has said this legislation might actually lead to the recognition of gay and lesbian families.

The fact of the matter is that gay and lesbian people are involved in committed, loving relationships. The fact of the matter is that family in Canada today is a concept that certainly extends well beyond the definition that was proposed by the Reform member from Edmonton yesterday who talked about family being a heterosexual couple with children.

An hon. member: That's right.

Mr. Robinson: A Reform member says that is right. Are they saying that single parent families are not families in Canada? That is absolutely unbelievable. For a party that suggests it believes in

the family to say that the only families it recognizes are families which are headed by mothers and fathers and have children is unbelievable. That is what Reformers are saying.

It is ironic that the best known Canadian family around the world was a family composed of a brother and sister, Matthew and Marilla Cuthbert, an older brother and sister who were never married and their adopted child, Anne Shirley, otherwise known as Anne of Green Gables. When Matthew died, Marilla's friend, Rachel came to live with the family and they adopted twins.

God forbid: the Anne of Green Gables family is not the tradition family. When I hear the member for Scarborough West and when I hear Reform Party members saying that we should define family to exclude gay and lesbian families I say they should wake up and look at the reality of the constituents they represent because it includes gay and lesbian families.

The Deputy Speaker: The hon. member has raised the question of the use of the word lies. The Chair did not think the member was addressing the word lies to accuse that member of using lies. Would the member for Scarborough West wish to clarify that point?

Mr. Wappel: Mr. Speaker, of course I was not referring to the hon. member. I had already stated that the attempt to link those two has been done by many. I did not wish to cast any aspersions whatsoever on the hon. member, and he knows that.

[*Translation*]

Mr. Nick Discepola (Parliamentary Secretary to Solicitor General of Canada, Lib.): Mr. Speaker, I would like to advise the House that I will share my speaking time with the hon. member for Vancouver East.

As the member for Vaudreuil, I am especially proud of the fact that the government tabled this bill. This bill recognizes sexual orientation as a prohibited ground of discrimination in Canada.

The bill amends the Canadian Human Rights Act by adding sexual orientation to the prohibited grounds of discrimination already listed in the act, including race, colour, religion and sex.

This will bring the wording of the act in line with court decisions prescribing that sexual orientation be included in or added to the list of prohibited grounds of discrimination contained in the act so that the act will be consistent with the Canadian Constitution.

The Supreme Court of Canada unanimously recognized that sexual orientation was a ground of discrimination similar to those listed in section 15 of the Canadian Charter of Rights and Freedoms. The charter applies to all legislation passed by this Parliament, including the Canadian Human Rights Act.

The proposed amendment will make this act consistent with the rights protected under the charter as well as with court decisions

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granting gays and lesbians the same protection against discrimination as other Canadians enjoy.

Those who object to sexual orientation being recognized as a prohibited ground of discrimination make it a matter of moral values, when this is mainly a legal matter. No one in this country should be discriminated against on the basis of sexual orientation. This is a basic matter of justice and fairness. We have no business judging people on the basis of their homosexuality or heterosexuality. On the other hand, we have a duty to protect all Canadians against discrimination in our society.

The courts and people of Canada have recognized the fact that gays and lesbians form a vulnerable group. They have historically been disadvantaged and been the victim of stereotypes, social biases and considerable discrimination in our society.

• (1305)

No individual should be less deserving of being recognized as a full fledged member of Canadian society because of his homosexuality. All deserve the same respect, the same consideration and the same protection under the law of the land.

According to recent polls, most Canadians feel that gays and lesbians should enjoy legal protection against discrimination as regards employment and services. Canadians support the amendment to the Canadian Human Rights Act to include sexual orientation as a prohibited ground of discrimination.

All recognize that sexual orientation, like sex, race or religion, should not have a bearing on the right to employment or services. The Canadian Human Rights Act seeks to prevent discrimination at the federal level in the areas of employment and provision of goods and services. It applies exclusively to federally regulated departments, agencies and corporations. The act provides a recourse to anyone fired or unfairly treated by an employer, or to whom goods or services are refused on the basis of a prohibited ground of discrimination.

Gays and lesbians must enjoy the same legal protection as all Canadians, so that no one in our country is a victim of discrimination on the basis of sexual orientation. This amendment provides such victims with a quick and inexpensive way to engage in a conciliation and settlement process.

Eight provinces and territories already prohibit discrimination based on sexual orientation in their own human rights legislation. They are Quebec which, since 1987 already, has had such an act, as well as Ontario, Manitoba, the Yukon, Nova Scotia, New Brunswick, British Columbia and Saskatchewan.

This amendment aligns the federal act with the provincial ones, while also ensuring that it provides the same protection to any person who is discriminated against on the basis of sexual

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orientation. The amendment promotes greater fundamental justice and equity for all Canadians.

Some people have raised various concerns regarding this amendment. It is important to address these concerns. First, the protection granted to homosexuals does not apply in the case of pedophilia. Judicial and administrative tribunals have interpreted the expression "sexual orientation" as meaning homosexuality, heterosexuality and bisexuality. Pedophilia is a specific crime in the Criminal Code, regardless of whether it is committed by a heterosexual or a homosexual: it has nothing to do with someone's sexual orientation.

In addition, this amendment does not call into question the definition of the family, marriage or spouse, or the fundamental role of the family in Canadian society. Neither does this amendment lead to the automatic recognition of benefits for same sex partners, or open the door to homosexual marriages or the adoption of children by homosexual couples.

The sole purpose of this amendment is to provide protection for gays and lesbians against discrimination with respect to employment and the provision of goods and services in areas under federal jurisdiction. It must also be pointed out that the Canadian Human Rights Act does not apply to religious, cultural or educational institutions under provincial regulation. This amendment will therefore not affect these institutions. The fears raised by this amendment do not, in general, take sufficient account of the context and true scope of this amendment.

We believe that this amendment is necessary in order to ensure a certain basic equity in order to protect all Canadians against types of discrimination they encounter in their daily lives.

• (1310)

The Canadian Human Rights Act, more than any other kind of legislation, reflects the values of a country and of a people. Tolerance, equity, and justice are fundamental principles of our Canadian identity. Canada is recognized internationally as one of the countries in the world with the greatest respect for human rights. We cannot accept that people in this country continue to be victims of discrimination in the workplace because of their sexual orientation. The purpose of this amendment is to correct precisely this situation and to ensure greater equity for all Canadians in our society.

Canadian society recognizes the importance of an individual's right to be respected. Each individual is unique and distinct, and must be able to count on the same protection under the law. Everyone has a sexual orientation, whether it is heterosexual or homosexual, and this distinction must not be used to justify different protection from that enjoyed by the majority of Canadians against discriminatory practices. This amendment makes it pos-

sible to end discrimination against gays and lesbians in federal work places or in federally regulated businesses, such as banks or airlines.

The exclusion of sexual orientation in Canadian legislation offers basic protection against discrimination, such as in the case of dismissal, or the refusal to provide services simply because a person is gay or lesbian.

Although this is only a minor amendment to the act, I would like to conclude by saying that this bill nonetheless constitutes an essential amendment to ensure equal treatment and opportunities for all Canadians. This bill will help build a society in which discrimination is not tolerated and in which there is equal protection for all individuals. This amendment makes it possible to ensure that gays and lesbians receive the same basic protection against discrimination enjoyed by all other Canadians. It is a question of rights, of justice and of fundamental fairness.

[English]

Mr. Tom Wappel (Scarborough West, Lib.): Mr. Speaker, because of the great interest in this bill and because of the lengthy list of speakers, some of us will not have an opportunity to speak, so I am hoping to make a few of my points by asking questions and making comments.

I listened very carefully to my colleague. I have two comments to make and two very simple questions for him.

He indicated, and he is absolutely correct, that sexual orientation is contained in the human rights codes of numerous provinces. I wondered if he was aware that sexual orientation is contained in the human rights act of the territory of Yukon and that the sexual orientation phrase is defined in the human rights act of the territory of Yukon. It is defined as follows: "Sexual orientation means heterosexual, homosexual or bisexual and refers only to consenting adults acting within the law". If he is aware of that, I would ask him if he thinks it was incorrect to define the phrase in the Yukon human rights code.

Second, I hold in my hand the Criminal Code of Canada. It is my assertion that nowhere in this book is the word pedophilia used. There is no such thing in the Criminal Code of Canada as the crime of pedophilia. If a person commits certain sexual acts against a child, that is a crime. Pedophilia is no more a crime than thinking about planning a murder. There is no crime in planning a murder. There is a crime in acting on those thoughts.

I wonder if the hon. member would agree with me that the so-called crime of pedophilia is not in this book, but that it is the acting out of the desires of people which are specifically banned.

Mr. Discepola: Mr. Speaker, the fundamental issue is whether it is a moral issue or whether it is an issue of discrimination. I have conscientiously looked at all the alternatives. I have a family. I am

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the father of four. I believe this is fundamentally an issue of discrimination.

As a practising Catholic I do not want to get into the debate of whether someone is more religious than another person. No religion tolerates discrimination. That is what the issue is. We are adding two simple words to the act and if we have differences of opinion on that I respect everyone's differences.

• (1315)

I am in the fortunate position today to be a member of this House. If it was my daughter or my son that was discriminated against, what would I want and how would I want my son or daughter treated?

I have a gay employee who has worked for me for the last 15 years. I have never had to put him in the back of the shop. Thanks to his contribution to my small businesses we have prospered.

When I talked to him at great length over it there is one question that he asked me that I could never answer and that convinced me. He said: "Why is it wrong for one human being to love another human being?" I have no answer for that and until I have an answer then I have to say discrimination is intolerable in our society.

That is the direction from which I come at it. I respect others who do not share that opinion, but it is for that reason I will be voting in favour of bill tonight. I thank the Minister of Justice who has put this initiative forward.

Mrs. Anna Terrana (Vancouver East, Lib.): Mr. Speaker, let me first reiterate that the Canadian Human Rights Act only applies to the federal government and to federally regulated businesses like banks, railways, airlines and telecommunications companies, and governs employment and the provision of goods and services in each of these sectors, which covers only 10 per cent of the Canadian workforce.

The rest of the Canadian workforce is covered by the provincial and territorial human rights codes. I am also satisfied that the act does not apply to religious, cultural or educational institutions; they are not under federal jurisdiction.

In 1995 royal assent was given to Bill C-41, an act to amend the Criminal Code and other acts in consequence thereof. In section 718.2 of that act, the words sexual orientation were added. The act contained many beneficial changes, but what some members of the House focused on was the inclusion of the words sexual orientation in the list of grounds for discrimination. These two words have created a lot of concerns on the part of many people who understandably have brought them forward in various ways.

This debate is here again with the inclusion of sexual orientation in Bill C-33 which is to protect those who work under the jurisdiction of the Canadian Human Rights Act. As we know, this

inclusion will prohibit discrimination against gays and lesbians. This discrimination is already prohibited in seven provinces and one territory, and B.C. is one of these provinces.

Many Canadians are concerned that the amendment will open the door to other demands, such as same sex benefits. I would like to comment that nothing earthshaking has happened in the above provinces since the legislation was introduced. There was no request to include the same sex benefits.

[*Translation*]

For me it is a matter of human rights. I believe that everyone in the world should be treated equally. I also believe that I must protect those who suffer discrimination yet have no voice. My role as parliamentarian is to give them a voice. I do not think it is up to me to judge people or the way they behave.

We are also talking about the family, and I would like to say I believe in extended families. Families that include everyone whose presence means comfort and compatibility. Those we are compatible with are not necessarily those closest to us.

The family has changed in recent decades. When I was in Italy, I belonged to a large family. I have only one brother, but my grandmother, my great-grandmother, my uncles and aunts, my cousins and my friends were part of the family. I got along very well with many of them.

[*English*]

My father and my mother were always in the picture. In Canada, my family simply includes a son who is now 28. All the rest of my family is in Italy and I often find comfort in my friends. Believe me, many people in my riding are in the same situation so what is the family? A nucleus of people who choose to be together and rejoice in each other.

If we have concerns about the family, we show little faith in the family because the family has always taken care of itself and has survived through thick and thin. In fact, there is nothing more meaningful or more comforting than a family and its members in the manner in which we choose them. Families are resilient. Families are as strong as their members are.

• (1320)

Let me add that Roget's International Thesaurus on page 884 uses the following synonyms for family: kinfolk, race, brood, lineage, offspring, community; quite a wide choice of synonyms. Is the world not a large family?

Let me add that the proposed legislation will not change the definition of family, marriage or spouse. It will, however, do something extremely important. It will send a message that discrimination is unacceptable under all circumstances, a message that Canadians have been upholding all along.

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It is a message which we heard loud and clear when in October 1994 an Angus Reid poll told us that 81 per cent of respondents said they would be bothered if a lesbian or a gay colleague experienced discrimination in the workplace; 81 per cent also indicated their belief that gays and lesbians experience discrimination in the workplace; 48 per cent of Canadians said they personally knew someone who was gay or lesbian; 36 per cent stated that they had a gay or lesbian friend; 12 per cent stated that they had a gay or lesbian co-worker; and 12 per cent said that they had a family member who was gay or lesbian.

[Translation]

Because of these statistics and my convictions, I believe in this bill, which respects the rights of individuals. After all, we are talking about human beings, about people who face serious and often threatening difficulties and who, at the same time, must pretend to be different from what they are because of the consequences.

Why do we permit this hypocrisy in a country like ours, where families are separated because of immigration, life situations or other reasons? We should be able to accept and understand everyone without discrimination. The rights of all our fellow citizens must be protected, and we must understand that, the day after this bill is passed, nothing will change. We will, however, be able to count on a law that will enable us to put a stop to all discrimination and to help those who need help. It is too bad there will still be people who will not enjoy the same rights.

[English]

In conclusion, in my opinion all the amendments proposed to the legislation were a travesty because this bill addresses the concerns of people discriminated against and nothing else. Therefore, I support the bill and I have been voting in its favour.

Mr. Tom Wappel (Scarborough West, Lib.): Mr. Speaker, I repeat, I am rising on questions and comments as I will not have an opportunity to speak because of the long list of members who wish to address the issue. I want to take the opportunity to make some of my points this way.

I want to commend the hon. member for her remarks and her belief. However, she did say one thing and I wonder if she was aware of something. She indicated that the changes to the human rights codes of the other provinces did not lead to demands or calls for same sex benefits.

Is she aware of the speaking notes of Attorney General Marion Boyd? The attorney general of the province of Ontario introduced Bill 167 in the province of Ontario and it flowed, in my submission, from the change to the human rights act of the province of Ontario. She said on May 19, 1994: "I have today introduced legislation which will provide same sex couples with rights and obligations equal to those of opposite sex common law couples".

What was her justification for so doing? She stated: "Our government regards this issue as one of fundamental human rights," which is the exact same argument that is being put forward today.

In view of the controversy that spawned in the province of Ontario, would the hon. member not allow for the possibility that some will use the changes to the human rights laws that we are passing today as a justification under the argument of fundamental human rights to press their case with the tribunals and with the courts to provide same sex couples with rights and obligations equal to those of opposite sex common law couples and if not, why not?

Mrs. Terrana: Mr. Speaker, first, let me thank my colleague for taking this issue to heart. It is important that we can express our feelings and our opinions in this country. I believe that we should all propose what we believe in.

Yes, in a way I apologize. In fact, I should have remembered that Ontario has gone through this legislation. My own opinion is that it may have flowed from the human rights act but not necessarily so.

• (1325)

We are not discussing that right now. What we are discussing and what we have to concentrate on is the lack of rights for some people who work in the federal government or in other companies that are under federal jurisdiction. This is what I concentrated on and what I am concerned about. Whenever something else comes on board then I will have to focus on that and consider it for what it is worth.

Mr. Ian McClelland (Edmonton Southwest, Ref.): Mr. Speaker, this is my second opportunity to put a few words on the record with regard to Bill C-33.

This bill, as members know, has raised very high emotions in many members of Parliament on both sides of the issue. There have been some words spoken and actions taken that will reverberate long after this bill is forgotten and the House moves on to something else, which is the way this place works. Whatever is top of mind today is not top of mind tomorrow.

The concern that many people in our country have with this bill is the way in which the government brought this bill forward, carried it through the House, through committee and back into the House again. It does not bring credit upon this House or upon our country.

It does not give the citizens of Canada the benefit of the doubt that we could make a reasoned decision, that we could come together in harmony, that we could do what is right for all people connected to this issue. Those Canadians who are part of the gay and lesbian community may feel that this is just a small but important step, one which is long overdue and which will give them equality before the law just as everyone else has. Other Canadians, most of whom are in the middle, are not all that

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exercised one way or the other. Then on the other side of the scale we have those Canadians who feel this is a very dramatic change on the social mores of our country and should be considered carefully before we go forward.

The tragedy of this debate, in the pell-mell rush to get the bill through, is that people on both sides feel somewhat trampled, particularly people who oppose this bill who are said to be in some way discriminatory, or that they are homophobic, or that they are somehow unkind and mean-spirited people. If people in our country do not have the opportunity to have their voices heard in Parliament, why should they then feel that they are part of Parliament? Why should they feel that they are represented?

We are not cheerleaders. Our job is not to stand and say that whatever the government or any group brings forward is just fine. Our job is to measure, to temper and to test the laws as they come forward.

We know in a majority government that at the end of the day our country will have a law that exactly represents the will of the government even if that government is elected with 43 per cent of the popular vote. That is the way our government works and that is the way it is. We have to accept that.

I know many people from the gay and lesbian community honestly feel that to even question the veracity of this bill or the honesty by which it has been brought forward is in some way deprecating our fellow citizens who are gay or lesbian.

I know there has been debate in the House which has tried to make the point to link certain unlawful activities with homosexuality. However, nothing could be further from the truth. It is not right. It is not fair. We have to distinguish and separate what is lawful in our country and what is not. It is not made lawful because of adding two words to the human rights act to include the words "sexual orientation".

• (1330)

I speak for myself, but there are many in the House who understand that the nature of family in the country has changed dramatically over the years. We know there are families which are composed very differently.

In committee the member for Hochelaga—Maisonneuve brought forward his definition of family. It is particularly beautiful. His definition of family is people who are joined together under the common bonds of love, mutual support and mutual protection. That description aptly describes the nuclear family. One would hope it would be the foundation of the description of the family.

Families change as many people in the House know. My family is not a nuclear family. I have been divorced twice and married three times. It is not something I am proud of. We do not have a traditional family, but we do have a family that has love, mutual support and mutual protection. Our extended family has that as well.

Our eldest daughter was adopted. At 21 her adoptive parents supported her in finding her birth mother. We got to know one another. We were visiting with her adoptive parents and as would happen, friends of her parents asked who these people were. Greg was stuck for an answer so he said they were special relatives. We thought about it and about the relationship we have as a family and the strength that Kate's mother Nancy had in supporting her to find her birth mother. Nancy said it did not take a lot of strength and courage.

How can we possibly hurt someone by loving them? How can we love someone too much? How could it possibly hurt if another family loves a person?

No one can tell me anything about the nature of families and mutual support and how important it is for us to be flexible and as a society to be open and supportive, even if these relationships are not ones we feel comfortable about. It is really none of our business. On the other side of the coin, marriage and family have a longstanding societal and religious significance. That should not be taken lightly either. That is the essence of this debate.

In my view, it would have been far more difficult for me to come to the decision, and it has been a very difficult journey for me, to vote against the bill if it had been brought forward honestly and dealt with the real issues at hand. The real issues in my view are not the issues surrounding discrimination. We are all protected from discrimination under the Canadian Charter of Rights and Freedoms. We are all protected against discrimination today by virtue of the fact that we are human beings.

• (1335)

However, this bill introduces two words, sexual orientation, into the statutes of our country. The effect of introducing those two words will be to give a foundation to the courts to further continue to interpret laws which would essentially support putting same sex relationships on the same plane as heterosexual relationships.

If that is what we as a country want to do, then let us do it. Let us bring forward legislation that states exactly that and debate it on its merits. Let us not do it in a Trojan horse fashion saying that this is legislation designed to prevent discrimination, that anyone who would vote against it would obviously be in favour of discrimination and not acknowledging that what is sure to follow has not been brought forward honestly into this debate.

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Had that debate come forward, this House may have been able to find a way to accommodate both sides. I mentioned in the House previously the notion of a registered domestic partnership. If this is not the intent of the government, it would have been possible for the government to have written the legislation initially to accommodate the concerns of people who feel threatened by it. It could have limited the scope of the legislation explicitly to human rights issues or it could have accepted considered and reasoned amendments which would have done so.

If these amendments were accepted, it would have allowed many more Canadians to support the bill. I believe most Canadians are pretty charitable. Most Canadians would have nothing to do with discrimination against anyone, including by virtue of someone's sexual orientation.

A private member's bill was tabled today in the House. Its preamble states: "An act providing for equal treatment for persons cohabiting in a relationship similar to a conjugal relationship". There is nothing wrong with that being brought forward. It is entirely appropriate that such a bill would be brought forward. However, it is evidence of the fact that this debate is not over.

The people with whom I have had contact in the gay and lesbian community would be the very first to say that it is not over. They will press their case, as they have the right to do, as hard as they possibly can until the battle is won. I want to put on record that from my point of view the people from the gay and lesbian community with whom I have had any contact have been absolutely forthright and absolutely honest in their intent in what they are trying to achieve and why they are trying to achieve it. There has been absolutely no suggestion otherwise.

As with many members, I find myself greatly discomfited in voting against this bill. None of us should in any way want to have our hands in anything that would discriminate against people because of their sexual orientation or for any reason, although we are dealing specifically now with sexual orientation.

• (1340)

At the same time I am charged with the responsibility of representing not just my constituents who are concerned about the impact of this bill, but all Canadians who are concerned about this bill. When I rise this evening to vote against the bill it will not be with any sense of satisfaction or joy; it will be with considerable sadness and with a heavy heart.

I know there will be people who will think that my doing so is a repudiation of them as human beings or that in some way I am making a value judgment. I am not. I recognize and I accept that people are born the way people are born. We are who we are and that is the way it is. I celebrate love and companionship. Who am I

to tell anybody else how or whom they should love? However, that does not allow me to forget my responsibilities to the people who sent me here and the obligations I bring to this high office.

In a few short hours we will be voting on this bill. There will be many people in the months to come who may say that we would have been wise to have given more consideration to exactly what we are doing. The House gave the same consideration to the \$2 coin as it has to this fundamental question. This is a question which is fundamental to many Canadians on both sides of the issue.

Mr. Svend J. Robinson (Burnaby—Kingsway, NDP): Mr. Speaker, I want to thank the hon. member for his comments. I know he has personally wrestled with this issue. He spoke earlier this week at a reception hosted by EGALE. I want to signal the extraordinary contribution which has been made by EGALE, John Fisher, the late Les McAfee, and others in this long journey.

The member has shared with this House in a very personal way the fact that his son, J.R., is gay. One of the important elements of this legislation is to ensure that those who apply for jobs within the federal jurisdiction are not discriminated against on the basis of their sexual orientation. The son of the hon. member for Edmonton Southwest could apply for a job in a bank, on a railway, in telecommunications or some other job within the federal jurisdiction and he could be turned down. The employer could say that he does not want him because he is gay and he might hurt his business, or maybe the employer would let him work at the back of the shop but not at the front.

I would plead with the hon. member. Does he not understand? Does he not recognize that if this bill does not go through his son, his own flesh and blood, would have no recourse in law other than that which is pursuant to a court decision which may be in conflict with another Alberta court decision? Does he not recognize that we need this legislation to at least prohibit that kind of discrimination, not just against his son but against all gay and lesbian people in this country?

Mr. McClelland: Mr. Speaker, before I answer the question of the hon. member for Burnaby—Kingsway, I want to acknowledge the courage he showed in being the first man to come out here in the House of Commons. I also acknowledge the courage of the hon. member for Hochelaga—Maisonneuve. It is not an easy thing to do. I recognize that.

• (1345)

The question my friend posed to me is central to the agony I have had to endure in determining how to vote on this issue. If the nub of my friend's question was discrimination, if I felt that were the case, then nothing could prevent me from voting in favour of this legislation.

Government Orders

Such is not the case. My son, as are all Canadians, is already covered by the charter of rights and freedoms. He does have recourse. I received a list of companies that have already extended benefits to same sex couples. It is as long as my arm.

Society is already way past that question, which is not to say there is not real foundation to that question. Twenty years ago or ten years ago, imagine having the Egale gala on Parliament Hill. Not even 20 years ago there were teams of people going through the federal government and the armed forces who were called the queer police. They were ferreting out people to take them out of their jobs. Those people in the gay community, those citizens of Canada who are gay—forget the gay community—or lesbian have a foundation on which they should feel the necessity of such a law.

If it were limited to the notion of the prevention of discrimination, even if it were not necessary, even if it were redundant, I would support it. It begs the question why would the Minister of Justice not accept amendments that would limit the bill specifically to what he says it is to make it possible for me and many others in the House to support it.

Ms. Marlene Catterall (Ottawa West, Lib.): Mr. Speaker, the member commented that if certain amendments had been adopted this legislation would have been acceptable to him.

I refer to one of the amendments he put forward, that the bill be amended to define family as meaning a heterosexual couple with their natural or adopted children.

As I pointed out to the member in a note, does that mean if I were a woman with four young children and my husband had the bad grace to die on me, I would not be considered a family under Canadian law? If I were living with my husband, having raised our children and maybe our mother was living with us, sharing our meals, bathing in the same bath tub, using the same washing machine, looking after each other, that we would not be a family?

According to his definition we would not be. I would like him to explain why that amendment to the legislation would have made sense to him. Is he aware the Canadian Human Rights Act is already being interpreted as if discrimination based on sexual orientation were in it?

Does he not think employers, providers of services, have the right to know they cannot discriminate? Right now they do not by reading the legislation.

• (1350)

Mr. McClelland: Mr. Speaker, I thank the hon. member for raising these questions because it gives me a chance to put on the record clarification.

We exchanged some notes last evening during the vote. The amendments which came forward in my name, had I had the

opportunity to withdraw them I would have. I think the point was very well made. When the amendments went in it was to refer to marriage and family. When the amendments were printed it was family. I should have caught it but I did not and I apologize.

This is one of the reasons for the good faith of the members assembled here. They are able to have a look at legislation and say that it does not make sense, and it was deservingly defeated.

However, there are other members who brought forward amendments which would have served the same purpose and they were defeated as well.

Mr. Robinson: Mr. Speaker, I accept what the hon. member said, that some motion went in in his name which did not reflect his position.

My question to him is a very straightforward question. If that is the case, why did he vote for an amendment which excluded single parent families? Why did he vote in favour of it?

Mr. McClelland: Mr. Speaker, it was in that long silent walk home, as I was considering the events of the day, when I thought perhaps I blew it that time.

Mr. Francis G. LeBlanc (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, I will be sharing my 20 minutes with the hon. member for Burlington.

I welcome the decision of the Prime Minister to permit a free vote on this legislation. The subject matter of Bill C-33 is a human rights issue. It is also a moral issue. As a moral issue it is important that members of Parliament be permitted to vote according to their conscience.

I do not wish to have my support for this legislation misconstrued as having been coerced. I realize many of my constituents have different views on this question. I know those views are deeply held and the product of sincere conviction. I respect those views. I want to explain how I have come to my position.

Those who oppose the bill fear it will have the effect of giving social approval to homosexual relationships, to same sex marriages and to same sex benefits through the courts, or that it will make it possible for crimes such as pedophilia to be protected by human rights laws. They argue Bill C-33 grants special rights to gays and lesbians.

Are these concerns valid? Let us remember what Bill C-33 does. Bill C-33 makes a slight amendment to the Canadian Human Rights Act. The Canadian Human Rights Act is a federal law which prohibits discriminatory practices in the workplace and in access to goods and services in activities which are the legislative responsibility of the Parliament of Canada. For the purpose of this legislation, these activities include the Government of Canada itself, banks, airlines, railways and telecommunication companies.

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The Canadian Human Rights Act is about discrimination related to employment and access to goods and services in these sectors of our economy. It sets out what is discrimination and the recourse and remedies available to individuals when it occurs.

Under the current act the prohibited grounds of discrimination are race, national or ethnic origin, religion, age, sex, marital status, family status, disability or conviction for which a pardon has been granted. Bill C-33 adds the words sexual orientation to these categories.

It is important to emphasize the words are sexual orientation. This ought to provide reassurance to Roman Catholics, of which I am one. I quote from a recent letter to the Prime Minister by the Canadian Conference of Catholic Bishops by the Most Reverend Francis J. Spence, Bishop of Kingston.

• (1355)

The letter, which I obtained through the courtesy the Most Reverend Colin Campbell, Bishop of Antigonish, has been helpful to me in considering my position on this legislation. In his letter Bishop Spence points to a distinction made by the church which he says "is not often made in the public debate between orientation—inclination—and behaviour".

Bill C-33 is entirely about orientation. It has nothing whatsoever to do with behaviour. The term is entirely neutral. It applies equally to persons who are victims of discrimination because they are heterosexual as to those who are victims of discrimination because they are homosexual.

It has nothing to do with whether a person is sexually active or not. The celibate homosexual gets the same protection under Bill C-33 as the most promiscuous sexually active heterosexual. What counts is whether the individual is the victim of discrimination in the workplace or in terms of access to services strictly because of his or her sexual orientation. The bill has nothing to say positive or negative about the behaviour itself.

At the same time, Bill C-33 does not in any way invite or encourage an individual to express or practise or flaunt his or her sexual orientation or desires in the workplace. It in no way changes what are acceptable social norms of behaviour in this regard. If an employee or a customer in a federally regulated institution chooses to behave in a lewd or sexually aggressive or inappropriate way he or she can expect no protection from discipline under Bill C-33. They are subject to the same actions related to sexual harassment or sexual assault or immoral conduct and so on as exists under present laws. However, even in those cases the individual is entitled to due process before the law and not to be the object of systematic discrimination.

Will Bill C-33 lead to the legalization of such crimes as pedophilia? The answer is now. Pedophilia is not a sexual orientation. It is a crime. It is a crime regardless of whether the offender is heterosexual or homosexual. It is an offence under the Criminal Code which is a totally separate statute in no way affected by the bill.

Will Bill C-33 end up sanctioning same sex marriages or the granting of same sex benefits? No. These are completely separate issues that have nothing to do with the Canadian Human Rights Act. The Canadian Human Rights Act has to do with discrimination in terms of employment and access to goods and services. It has nothing to do with marriage. Nor does it apply to same sex benefits.

Bill C-33 is not about homosexual unions. It is not about same sex benefits. It is not even about sex. It is about human rights. Bill C-33 advances the moral proposition that it is a violation of fundamental human rights to deny a person access to services or to discriminate against someone in terms of employment purely on the basis of their sexual orientation.

The Acting Speaker (Mr. Kilger): I ask the hon. member's co-operation and I will certainly see that he has the opportunity to complete his remarks in the fullest following question period.

STATEMENTS BY MEMBERS

[English]

FORESTRY

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, the week of May 5 to 11 is National Forest Week, a time when public awareness of Canada's forest resources is encouraged by the Canadian provincial forestry associations.

Canada has 10 per cent of the world's forests. These forests form a vital part of our economy, supporting over 350 communities and providing jobs for over 800,000 Canadians. With \$50 billion of shipments annually Canada is one of the world's largest suppliers of forest products. In my riding of Thunder Bay—Atikokan the forest and lumber industry is a significant employer.

This year's National Forest Week theme is "Forest Regions: Varied Treasures". This theme reflects the fact that various parts of the country support different types of forest ecosystems. In Canada we have 10 distinct forest areas, each of which offers its own treasures.

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[*Translation*]

FIGURE SKATING

Mrs. Pauline Picard (Drummond, BQ): Mr. Speaker, it is with great pleasure that I rise in this House to recognize the determination and relentless hard work of Josiane Fréchette, from Sainte-Perpétue-de-Drummond.

Josiane is a brilliant figure skater. She won a gold medal in the Canadian championship, Atlantic division, pre-novice level, and she came first in the short program, novice level, in an international invitation competition, the Residential City Cup, which was held in the Netherlands this year.

• (1400)

Having been selected by the Quebec figure skating federation for the fourth year in a row, Josiane will attend a provincial figure skating seminar.

Thank you, Josiane, for giving those around you this example of faith and perseverance. Our hearts are with you.

Quebec has another reason to be proud of its young people.

* * *

[*English*]

CANADIAN HUMAN RIGHTS ACT

Mrs. Sharon Hayes (Port Moody—Coquitlam, Ref.): Mr. Speaker, the bill amending the Canadian Human Rights Act to include sexual orientation has been shrouded in a deliberate campaign of misinformation by the justice minister.

The minister is doing this dance of deception in order to deny the truth and consequences of Bill C-33. He portrays the bill as the simple addition of two words in an act, a simple two clause bill that this House should dispose of quickly that will simply address discrimination. Not so.

The truth is this bill will have profound consequences that will impact Canadian family by redefining it, and that undermine the fundamental principles of equality.

The minister continues to mislead and dodge the truth, while the government rams the bill through the House in record time. Under false pretences, the government has disabled democracy.

History will be the judge of these nine days that have mocked our parliamentary institution and the Canadian people.

* * *

NATIONAL UNITY

Mr. Andy Mitchell (Parry Sound—Muskoka, Lib.): Mr. Speaker, I rise today to congratulate two high school students in

my riding for their contributions to the pursuit of national unity. To Sarah Boyd and Michael Holmes, both students at Parry Sound High School, I say well done.

These two young constituents tied for first place in an essay contest that I launched in all of the high schools in my riding to promote pride in Canada.

In her essay Sarah urges Canadians to speak out and to contribute their skills to helping Canada remain strong and united. She suggests linking towns of similar sizes to promote understanding and strengthen community bonds.

In his essay, Michael advocates encouraging corporations to make unity their responsibility. He advocates pairing community newspapers to facilitate a shared letters to the editor venue that fosters kinship and understanding.

I am proud of the efforts of all those who entered my national unity essay contest. Today I ask my colleagues to join with me in saluting Sarah Boyd and Michael Holmes.

* * *

FIREFIGHTERS

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, this week the International Association of Firefighters is in town.

A number of statements have been made in the House lauding the work of firefighters and the risks they take on behalf of all of us. I would like to echo those sentiments.

However, the best way we can honour firefighters is for the House and the government to take their policy recommendations seriously with respect to Operation Respond, a proposal they made for dealing with hazardous materials which they would like to see set up in Winnipeg as a pilot project. I encourage the government to get moving on that. It should also get moving on the proposal with respect to a public benefit for firefighters and similar service people who lose their lives in the line of duty, and also recommendations with respect to the Canada pension plan.

The government should take all these recommendations to heart and we should see some action on these very soon.

* * *

BILL C-33

Mr. Alex Shepherd (Durham, Lib.): Mr. Speaker, the public wants individual members of Parliament to have more say in reflecting their opinions.

I note that the British system allows for a degree of independence provided by a tiered disciplinary system. I am most pleased that my leader has provided a free vote on Bill C-33.

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With free votes it will be even more important to attempt to understand and represent the views of all constituents. To this end I have had a personal and professional poll prepared in my riding of Durham, asking the people what their attitudes were to the Canadian Human Rights Act.

While there was a clear case of polarization, it was evident that the majority was in favour of the changes which they saw as a matter of human rights. I hope this will herald a new era of relaxing to some degree the discipline in this place in order that members can more effectively represent their constituents.

With this newfound liberty, members will have to be more diligent in ensuring that they fully understand the views of their constituents. I look forward to a more liberalized parliamentary system

* * *

• (1405)

[Translation]

CITY OF MONTREAL

Mr. Nick Discepola (Vaudreuil, Lib.): Mr. Speaker, last Tuesday, Montreal launched a promotional campaign under the theme "Montreal, you are my city".

This two-year operation was the fruit of concerted efforts by the City of Montreal, the Government of Canada, 11 private corporations, and the vast majority of local media.

This multimedia operation offers concrete proof that the climate in Montreal is changing and that all stakeholders will now work toward a common goal.

The hon. member for Outremont and Secretary of State for the Federal Office of Regional Development—Quebec was happy to announce, on behalf of the Canadian government, a financial contribution of \$1 million.

This is another fine example of this government's commitment to work in partnership with other socioeconomic stakeholders to improve conditions in Montreal and Quebec.

* * *

NATIONAL NURSING WEEK

Mr. Bernard Deshaies (Abitibi, BQ): Mr. Speaker, this week being National Nursing Week—whose theme this year is "Ask a nurse"—I take this opportunity to draw attention to the important role played by nurses in keeping everyone healthy.

I wish to pay them a special tribute in this House so that these professionals know we are aware of the upheaval their profession is going through: the job cuts in hospitals, the shifting of part of the work to patients' homes, the review of duties and of the training

required to practice their profession in this new environment. That is quite a lot.

I therefore want to recognize their strength of character, their dedication and their determination to provide quality care despite the uncertainties of tomorrow.

They are true professionals. On behalf of all my colleagues, I want to commend the nurses of Abitibi, Quebec and Canada for their professionalism and their strong dedication to their communities.

* * *

[English]

NATIONAL FOREST WEEK

Mr. Darrel Stinson (Okanagan—Shuswap, Ref.): Mr. Speaker, I want to thank Mr. Ed MacDonald, a forester from Vancouver Island, for donating 300 coast cedar seedlings to help celebrate National Forest Week. They are available today in the opposition lobby.

The seedlings remind us that trees clean the air and protect watersheds, in addition to sheltering wildlife and providing both recreation and jobs for people. Eight hundred and eighty thousand people work directly or indirectly in forest industries which produced \$49 billion in products in 1995, more than half of which was in the export industry, making us number one in the world.

Even given the limitations of the new softwood lumber agreement with the United States, forestry contributes more to the balance of trade than agriculture, fishing, mining and energy combined. The people of Canada, primarily through their provincial governments, have a big say in what happens in our forests because most of them are publicly owned.

Therefore we must choose wisely regarding land use decisions, including native land claims, to protect forestry, the backbone of Canada's economy.

* * *

PRISON REFORM

Hon. Warren Allmand (Notre-Dame-de-Grâce, Lib.): Mr. Speaker, in recent weeks Canada lost two great champions of prison reform and criminal rehabilitation. Senator Earl Hastings of Alberta, who died last Sunday, was a great Liberal and social reformer. Until the end, he kept in close touch with the prisons and the many prisoners whom he was helping to get a new start on life. He received many awards for his outstanding work in corrections and criminal justice.

Claire Culhane was also a strong activist for a humane corrections system. She campaigned and wrote against the abuses of the prison system for many years. We should understand that effective rehabilitation means less crime and safer streets.

Senator Hastings and Claire Culhane should serve as examples for all of us.

* * *

WESTRAY MINE DISASTER

Ms. Roseanne Skoke (Central Nova, Lib.): Mr. Speaker, in recognition of the grieving families and in commemoration of the 26 deceased miners who were killed in my riding of Central Nova in the Westray coal mine disaster on May 9, 1992, we will remember them:

John Thomas Bates, Larry Arthur Bell, Bennie Joseph Benoit, Wayne Michael Conway, Ferris Todd Dewan, Adonis J. Dollimont, Robert Steven Doyle, Remi Joseph Drolet, Roy Edward Feltmate, Charles Robert Fraser, Myles Gillis, John Philip Halloran, Randolph Brian House, Trevor Jahn, Laurence Elwyn James, Eugene W. Johnson, Stephen Paul Lilley, Michael Frederick MacKay, Angus Joseph MacNeil, Glenn David Martin, Harry A. McCallum, Eric Earl McIssac, George James Munroe, Danny James Poplar, Romeo Andrew Short and Peter Francis Vickers.

We will remember them.

* * *

• (1410)

PARTI QUEBECOIS

Mrs. Eleni Bakopanos (Saint-Denis, Lib.): Mr. Speaker, the separatists are at it again. They complained about the voting conditions for non-residents of Quebec. They complained that the referendum was lost due to money and the ethnic vote. They complained that too many people obtained their citizenship in the months leading to the referendum. Now they are complaining again about the fact that the director general of elections produced pamphlets in languages other than French.

[Translation]

Mr. Landry and the PQ MNA for Vachon, Mr. Payne, took turns criticizing the Director General of Elections for having voting instructions in 19 different languages distributed in ridings where large numbers of Canadians of other ethnic background live.

The separatists' obsession with anyone who does not have "pure laine", or old stock, stamped on their certificate of citizenship has invariably led them to commit enormities and, if yesterday is any indication, it is not about to change.

* * *

WAR CRIMES

Mrs. Monique Guay (Laurentides, BQ): Mr. Speaker, the first trial for war crimes committed in the former Yugoslavia opened in The Hague yesterday, when a Bosnian Serb accused of murder and torture by the International Criminal Court appeared before the court.

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This is the first time since the end of the second world war that an international court has brought charges against alleged perpetrators of crimes against humanity and genocide.

While more than 50 war criminals have been charged, only 10 or so are currently in custody. The others, including the political and military leaders of the Bosnian Serbs, Radovan Karadzic and General Ratko Mladic, are still at large.

Canada must demand that all those charged be handed over before the mandate of the multinational force expires in December. The credibility of the international court hangs in the balance.

* * *

[English]

WESTRAY MINE DISASTER

Mrs. Diane Ablonczy (Calgary North, Ref.): Mr. Speaker, four years ago today 26 miners died at the Westray mine in Nova Scotia when coal dust ignited with methane gas to produce an underground explosion.

With all the headline coverage about the ongoing inquiry and with all the difficulties in getting at the truth, there are often times when the actual tragedy and loss of life seem to have been forgotten. If anything positive is to come out of this terrible event, it should be an acknowledgement that we can never overlook the importance of safety in the workplace.

To this end it is an absolute necessity that government regulations responsible for ensuring safety must never be relaxed and the safety inspectors that are looked to for protection must be completely free from political interference if they are to be effective. If we can achieve this we can take solace in the hope that this tragedy will never be repeated.

Today Canadians remember and honour the 26 miners who lost their lives four years ago this morning. We extend our sympathy and support to their families and friends.

* * *

HUMAN RIGHTS

Mr. Reg Alcock (Winnipeg South, Lib.): Mr. Speaker, on Tuesday in this Chamber the member for Lisgar—Marquette said: "If we want to look at what homosexuality and permissiveness have done to some countries let us look at Africa and the problems it has run into". He went on to relate the civil war in Liberia to homosexuality and permissiveness.

What basis does he have for these statements? What proof is there that the troubles in Liberia are related to homosexuality?

The situation in Liberia is tragic. Many innocent people are losing their lives. Families are being literally destroyed. Children are being killed. It is an issue that all Canadians deplore and I am sure members opposite do also. To relate it to a permissive attitude

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toward homosexuality is an insult to the suffering of the people of Liberia and it is an insult to the intelligence of Canadians.

The people of Lisgar—Marquette deserve better from that party—

The Acting Speaker (Mr. Kilger): The hon. member for Windsor—St. Clair.

* * *

HIV-AIDS

Ms. Shaughnessy Cohen (Windsor—St. Clair, Lib.): Mr. Speaker, the member for Macleod the other day claimed that Bill C-33 will encourage a lifestyle that spreads disease, notably HIV-AIDS. The leader of the Reform Party has dismissed these remarks and supported them by saying that they are the opinions of a medical professional.

As a member of Parliament the member for Macleod has the responsibility to ensure public policy is based on fact, not on misinformation or fear. As a medical doctor he has the responsibility to speak to the research.

The research tells us that this disease affects men, women and children. The research says it is a preventable disease and that its sources are known. The research has taught us that responsible behaviour will help to control HIV-AIDS. The member for Esquimalt—Juan de Fuca, who is also a medical doctor, seems to understand this.

Misinformation from the member for Macleod will have more of an impact on the transmission of HIV than any of his imagined impacts of Bill C-33.

HIV-AIDS is a serious public health issue. Canadians are entitled to responsible, constructive comments from their MPs in the fight against the spread of AIDS. Canadians deserve better—

* * *

• (1415)

[Translation]

UNEMPLOYMENT INSURANCE REFORM

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, I would like to urge the Prime Minister to meet with the 100 representatives of the Gaspé and Lower St. Lawrence region, who raised a total of \$7,000 in “toll collections” and personal contributions to come to Ottawa today to tell him, the Minister of Finance and the Minister of Human Resources Development that they will not stand by and let their region wither while this unemployment insurance reform drains our part of the country.

They speak on behalf of 30,000 people who, throughout eastern Quebec and in every regional municipality of our ridings in the Lower St. Lawrence and the Gaspé Peninsula, have expressed their opposition to this reform. All these regions, whose economies depend on seasonal industries, would like to make you understand what they are saying.

Prime Minister, you cannot refuse to meet with these spokespersons who have had a 32-hour bus ride to get here and let you hear their cry from the heart.

ORAL QUESTION PERIOD

[Translation]

TAXATION

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, in the report he tabled this week, the auditor general said that Revenue Canada has perhaps totally eliminated Canadian income tax on capital gains on goods of enormous value for the future. Before the Standing Committee on Public Accounts, he confirmed that all capital gains realized on shares of public companies could leave the country tax free.

My question is for the Minister of Finance, since he is responsible for the government's tax policies. Does the Minister of Finance agree with the comments of the auditor general to the effect that, in addition to the capital gains in family trusts, all capital gains on publicly held shares may now be exported without Revenue Canada collecting a single cent of tax on them?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, we certainly said clearly when we came to office that there were weaknesses in the taxation system that needed to be corrected. We have supported the actions of the auditor general in this area and will continue to do so. This is in fact one reason why we asked the Standing Committee on Finance to look at all that, because it is vital it be done transparently.

That said, the moment we took office, we established specific measures to prevent the use of tax havens or foreign companies to get around the law.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, to be perfectly clear, in addition to family trusts, all shares of public companies may now be transferred out of the country without Revenue Canada being able to collect a single cent. The minister has not mentioned this.

Since Revenue Canada's decision was published on March 21 and since a tax evasion rush is probably underway, why has the minister not suspended the decision of Revenue Canada to put an end to this huge risk of billions of dollars being lost abroad?

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Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I think it is worth reading what we have done to set the record straight. At the start, we launched a three-pronged offensive to reduce the use of tax havens by Canadian firms and the outflow of money, what the Leader of the Opposition is referring to.

First, in the 1995 budget, we proposed substantial requirements with respect to statements on interests in foreign companies. Second, in the 1994 budget, changes were made to the Income Tax Act to prevent the transfer of profits realized in Canada to companies abroad located in tax havens.

• (1420)

Third, the government strengthened exclusionary efforts regarding foreign companies and specifically involving inter-segment sales by individuals.

Mr. Michel Gauthier (Leader of the Opposition, BQ): Mr. Speaker, I respectfully remind the Minister of Finance and all his colleagues that nothing he has just said in any way alters the situation criticized by the auditor general.

Since finance department officials, as the auditor general revealed, acted very quickly one December 23, after a series of meetings on December 23, to permit this tax loophole to be used, could the Minister of Finance not tell people watching us that his officials will get to work and act equally quickly to prevent the flight of capital out of Canada at great cost to the Government of Canada?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, I have just listed the measures we put in place on our arrival in office. It is very clear. One of the reasons we put this issue to the finance committee was our concern and our keen interest in seeing the whole matter examined.

Now the Leader of the Opposition is talking about officials. I remind him that we are talking about something that happened in 1991 under the previous government. In most cases, the officials who made the decisions are no longer in the same position today.

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, we have suspected as much for two and a half years, and we kept asking, to no avail, the Minister of Finance to take action. Now, the truth has come out.

In this morning's issue of the *Financial Post*, we learned that, based on a confidential report prepared by Revenue Canada, no less than \$60 billion worth of capital secretly left the country in 1991. This blatant case of tax evasion was made possible thanks to permissive and lax federal legislation.

My question is for the Minister of Finance. Will the minister confirm these facts? Will he confirm that very rich Canadians secretly transferred \$60 billion worth of capital outside the country without paying tax?

[English]

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, because the questions tend to repeat themselves, I will switch languages.

The fact is that we are dealing with a situation on which this government began to act immediately on taking office. If there is a problem, we basically recognized it. We referred it to the finance committee. A series of measures were taken to ensure that taxes were paid and that they were paid when due. At the same time, we supported the auditor general on this and on everything else.

Let us be very clear. The Minister of National Revenue has referred this matter to the public accounts committee. We in the Department of Finance have referred it to the finance committee. If there is a problem here arising out of events which took place in 1991 under the previous government, then let the facts be made clear in front of the finance committee.

[Translation]

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, enough is enough. The public must know that the Minister of Finance is responsible for tax reform, that we have been asking him for two and a half years to carry out such a reform, and that he is laughing in our faces.

Now that the whole thing has become front page news, will he take action or will he continue to condone and even help this capital outflow?

Hon. Paul Martin (Minister of Finance, Lib.): Mr. Speaker, first, when we came to office, we took action. We eliminated more loopholes and flaws than the finance committee recommended. We went a lot further than asked by the Bloc Québécois finance critic.

• (1425)

The Minister of National Revenue just hired more auditors, at a cost of \$50 million. We allocated more money to her department precisely to eliminate these loopholes. The question is: Why is the Bloc Québécois finance critic opposed to a public review in that sector? Is he afraid of transparency? Is he afraid of discussing these issues?

* * *

[English]

THE SENATE

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, it goes without saying that Canadians are demanding a greater say in the political process.

Some hon. members: Oh, oh.

Oral Questions

Mr. Manning: In this democratic age it is no longer acceptable for Canadians to have unelected, unaccountable senators having anything to do with the passage of public laws and the spending of public money.

Alberta has a law on its books for the election of senators and Premier Klein wants to hold an election to fill the latest Senate vacancy. Will the Prime Minister agree to appoint to the Senate the individual elected under the Alberta Senate Selection Act?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, a few years ago we had a vote in this House and in the nation regarding an elected Senate. The leader of the third party voted against the opportunity to have an elected Senate. Obligated by the Canadian Constitution, I will name a senator who I will choose and who will represent my party.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, the view of Albertans and the Prime Minister on representation in the Senate is fundamentally different. Albertans' view is that the senators should represent the people of Alberta, not the Prime Minister's party.

The Prime Minister knows as well as I do that the Senate reform proposals contained in the Meech Lake and Charlottetown accords were not the triple E Senate proposal that this party represents. The Prime Minister knows he can democratize the Senate without a constitutional amendment.

When Premier Klein holds an election to fill Alberta's vacancy in the Senate and hundreds of thousands of Albertans participate in that election, as they did the last time, will the Prime Minister recognize the right of those people to choose their own representative in the Senate of Canada?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, since 1867 we have had a system where senators are appointed on the recommendation of the Prime Minister. For example, some senators have served this nation very well, such as Senator Hastings who was a first quality public servant for many years. I also had some very pleasant discussions with a senator by the name of Manning who had been appointed by Pierre Trudeau.

I think the member was for an elected Senate and now he is trying to cover his bad judgment when he voted against Charlottetown. When someone destroys something because there is an element he does not like, he kills everything. If the member had used his judgment, today we would have elected senators. However, he did not do that.

The same man has also been asking for free votes since the beginning of the session and he is now forcing his members to vote according to the party line or they are out. At least in this party we let some members vote with freedom.

• (1430)

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, we are aware of the 19th century concept of the Senate but we are talking about the Senate in the 21st century.

I also appreciate the tribute to my late father but we ought to remember his famous comment on the Senate, that its three priorities are alcohol, protocol and Geritol. That is why it ought to be reformed.

It took Brian Mulroney nine months but at least he eventually recognized the democratic will of Albertans and appointed Stan Waters to the Senate.

The Prime Minister does not need a constitutional amendment to do the right thing. Why has the Prime Minister changed his tune on Senate elections? Is he prepared to break the promise made by him and his party in 1992 to provide an elected Senate?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I fought to have an elected Senate but the leader of the third party campaigned across the nation to defeat the Charlottetown accord. Now the chickens are coming home to roost. Because he did not have the judgment to look at the whole package, he decided to kill it and he has to live with the decision.

At a time when a lot of the senators are Tories and the House of Commons is building legislation to be passed, I will use my privilege and exercise my duty to name a senator who will respect the will of the House of Commons.

* * *

[Translation]

TAXATION

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, my question is for the Minister of Finance. First, I want to remind the minister, who accuses us of being afraid regarding the tax avoidance issue, that, for two and a half years, the Bloc Québécois—

The Acting Speaker (Mr. Kilger): If the hon. member would put his question.

Mr. Guimond: When the time comes to tax individuals, Revenue Canada does not beat around the bush. However, when it deals with family trusts, capital gains or tax avoidance—

The Acting Speaker (Mr. Kilger): The question, please.

Mr. Guimond: Does the Minister of Finance realize that, because he is not taking immediate action regarding tax evasion, billions of dollars are being transferred to the United States, free of tax?

*Oral Questions**[English]*

Hon. Jane Stewart (Minister of National Revenue, Lib.): Mr. Speaker, in a very calm way I will remind the House what we are doing on this very important file.

The Minister of Finance has changed the law with regard to family trusts. We have passed legislation which demands that not only corporations but individual trusts and partnerships have to record and report their offshore earnings and offshore assets.

We have very, very capable auditors on this file who have returned to the government coffers over \$500 million in revenues in the last year. And I thank the Minister of Finance for another \$50 million so that we can augment our work in that regard.

We are dealing with other countries to develop tax treaties so that we can exchange information on this very important file.

[Translation]

Mr. Michel Guimond (Beauport—Montmorency—Orléans, BQ): Mr. Speaker, my supplementary is also for the Minister of Finance.

How does the minister explain the fact that his government is so quick to hit low income taxpayers, but so slow to deal with major corporations and large fortunes? This is a disgrace.

[English]

Hon. Jane Stewart (Minister of National Revenue, Lib.): Mr. Speaker, I will just reiterate our commitment to ensure fairness and equity in the tax system.

• (1435)

I will add another point now that I have time. I am very proud of the people in my department who are working not only here at home but with their counterparts around the world to ensure that we move toward international standards and the exchange of information in different banks.

This is very important. We take this file extremely seriously. I commend the Minister of Finance for all that he has done in the last two years, and that is just the beginning.

* * *

TAXATION

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, the innuendo of corruption that tarnished the reputation of the previous government is setting in on this government.

Yesterday the auditor general said that the tax ruling which provided hundreds of millions of dollars of tax relief for one family was kept confidential while the exact opposite opinion was issued by the Department of Revenue denying the same tax relief to all other Canadians. That one was made public.

Will the Minister of Finance please explain why this government continued the duplicity for two and one-half years? Will he tell Canadians whether the Income Tax Act applies to all Canadians or are the friends of government exempt?

Hon. Jane Stewart (Minister of National Revenue, Lib.): Mr. Speaker, let us remember again that the decision we are speaking about was a decision back in 1985 and 1991, a time when neither the hon. member opposite nor I was here. It was some time ago.

The auditor general drew it to our attention in his most recent report and we have acted expeditiously. The Minister of Finance has directed the finance committee to look at those aspects of the Income Tax Act and report back as to the integrity of those portions of the act.

For our side, we knew that the auditor general's report would go to the public accounts committee. I encouraged its members to pose some questions.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, we are talking about the innuendo of corruption affecting this government. The minister is here. I am here.

This morning the Commissioner of Official Languages said that the Clerk of the Privy Council approved for him and he is still receiving today a \$15,000 tax free apartment in Ottawa and a tax free chauffeur driven limo ride from Montreal to Ottawa every week.

Every other Canadian has to pay tax—

The Acting Speaker (Mr. Kilger): The question please.

Mr. Williams: Mr. Speaker, my question is that every other Canadian has to pay taxes on this kind of benefit. Will the minister please explain why this government ignores the requirement of the Income Tax Act for patronage appointments?

[Translation]

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the official languages commissioner is a responsible official of the House of Commons, and the matter may be debated in committee, but it is not the responsibility of the government to debate it at this time. This issue is well known. I think that when he was hired, this situation was foreseen, and I, for one, have no other comment to add.

* * *

NATURAL RESOURCES

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, yesterday the Minister of Natural Resources stated, and I quote:

[English]

“We never said we were to get out of forestry and mining if you read the speech from the throne”.

*Oral Questions**[Translation]*

We read the throne speech, and the governor general said, and I quote:

The government is prepared to withdraw from its functions in such areas as labour market training, forestry, mining, and recreation, that are more appropriately the responsibility of others, including provincial governments, local authorities or the private sector.

Can the minister tell us today whether the government intends to honour the promises made in the throne speech or whether the government is once again getting ready to break its own promises?

[English]

Hon. Anne McLellan (Minister of Natural Resources, Lib.): Mr. Speaker, let me reassure the hon. member that this government has every intention of delivering on its promise in the speech from the throne.

Mr. Penson: What about elected senators?

Ms. McLellan: Let me say to the hon. member that—

Mr. Mills (Red Deer): Elected senators?

Ms. McLellan: Would you be quiet?

Some hon. members: Hear, hear.

• (1440)

The Acting Speaker (Mr. Kilger): I do not think we have moved the Chair yet. The hon. minister.

Ms. McLellan: Mr. Speaker, I apologize. I think the hon. member raises a very important question which deserves an answer. That is the point I was trying to make.

Let me reassure the hon. member we intend to deliver on our promise in the speech from the throne. What this promise is about is sorting out appropriate responsibilities between the federal government and provincial governments. It talks about determining who can most appropriately do what functions in the area of forestry and mining.

My department for the past two and half years has been hard at work on this and we will continue to work on it.

I ask the member to consider that my department by 1997-98 will be reduced by some 60 per cent and 1,500 employees. It seems pretty clear to me—

[Translation]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the minister was quite right to call the Reform Party to order, but she could have taken the time to reply to the question, and especially to read the throne speech, which clearly says “withdraw from its functions”. But yesterday the minister said the opposite, a bit like the former Deputy Prime Minister. I quote her again:

[English]

“Let there be no mistake that there are key federal areas where we will continue to be involved in both forestry and mining”.

[Translation]

This contradicts point by point what was said in the throne speech.

So that no mistake is made, could the minister and this government be clear on this issue? Will she admit that the promise made in the throne speech means no more than the red book promise with respect to the GST? Will she realize that she has no more credibility than Sheila Copps?

[English]

Hon. Anne McLellan (Minister of Natural Resources, Lib.): Mr. Speaker, let me reiterate to the hon. member that we intend to keep this promise and we are keeping this promise.

This promise is about sorting out responsibilities. I assure the hon. member those areas that we continue to be involved with in forestry are within federal jurisdiction, for example the 25 per cent of forests on federal crown lands, the First Nations and their lands. Forestry is an important aspect of their economic self-sufficiency. National issues in relation to science and technology—

The Acting Speaker (Mr. Kilger): The hon. member for Calgary Northeast.

* * *

BENEFITS

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, yesterday the justice minister was forced to acknowledge the existence of his secret long term policy agenda listing future initiatives on family, dependant benefits for same sex couples and changes to marital and family status.

Canadians deserve honesty and open debate on these issues. Instead, policy agendas are hidden in the minister's drawer, away from Canadians and even members of his own caucus.

Here is a straightforward question for the minister. Will he table all discussion papers and policy initiatives related to same sex benefits or will he admit today he has no intention of pursuing these divisive policies?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the minister replied very clearly yesterday. We are voting on Bill C-33 at this moment to make sure there is no discrimination against any part of society.

On the rest he gave an explanation that there are and will be cases in front of the courts. Citizens can appear before courts. Of course the Minister of Justice has to defend the Canadian position, and the Canadian position is the human rights act. The courts

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decide according to the laws of Parliament. The minister said he is ready to defend the position of the government before any court.

Mr. Art Hanger (Calgary Northeast, Ref.): Mr. Speaker, yes, we are talking about the justice minister and the Liberal Party's long term agenda.

Same sex couples and marital and family status were not in the red book or in the throne speech. The justice minister denied intentions to move ahead on these initiatives. The House voted down marital benefits for same sex couples. This is a matter of integrity and democracy. He has demonstrated a profound lack of respect for both.

• (1445)

Will the minister commit today to challenge any future court decision which extends marital or family benefits to same sex couples based on the court's interpretation of amendments to the human rights act, yes or no?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the Minister of Justice and Attorney General of Canada will always perform in court the duties of the Attorney General of Canada. He is very capable and we are very privileged to have a man of his knowledge and stature as the Attorney General of Canada and Minister of Justice.

* * *

[Translation]

COAST GUARD

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, my question is for the Prime Minister.

This afternoon, the Minister of Fisheries and Oceans will disclose his new fee schedule for the coast guard. Along with a near majority of Canadian stakeholders, the Great Lakes Commission, a U.S. organization representing the eight states bordering the Great Lakes, sent Raymond Chrétien, the Canadian ambassador in Washington, a letter asking the Canadian government to delay the implementation of its new fee schedule for coast guard services.

Since the unilateral imposition of a coast guard fee schedule could have serious repercussions on trade with the U.S., will the Prime Minister act on this request by the U.S. and ask his minister to delay his decision?

[English]

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, the hon. member knows these fees are not unilateral. They were voted on in the House of Commons. They were put forward in a study done last year. They were put forward by the Marine Advisory Board, which involves members of the industry from across Canada. They were studied. There were consultations

with 850 organizations and individuals right across the country. They were tried four different ways. They were rearranged. They were reiterated. They were refined.

Everything possible that could be done with these fees to make them fair and equitable has been done. After the fees are implemented there will be studies to ensure they are fairly done and fairly put together with respect to marine services.

We are looking at 11 per cent of the overall fees for the coast guard marine services and the aids to navigation at less than an average of 3 per cent of the overall port charges.

[Translation]

Mr. Yvan Bernier (Gaspé, BQ): Mr. Speaker, my supplementary question is again for the Prime Minister because the Minister of Fisheries and Oceans has just said once again that he would first implement the new fee schedule and then conduct a review. This makes no sense.

I wish to remind the Prime Minister that, according to the stakeholders who appeared before the fisheries and oceans committee, and according to the Great Lakes Commission, the new fee schedule will have serious consequences.

Does the Prime Minister realize that, by letting his Minister of Fisheries and Oceans blindly go ahead with his new fee schedule, he is endangering thousands of jobs as well as the economies of the regions along the St. Lawrence and around the Great Lakes?

[English]

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, before the announcement of the basic fee structure in January, there was an IBI study carried out by consultants essentially to show the impact on the industry could be absorbed.

The results were positive and showed the impact could easily be absorbed at the level of \$20 million spread in accordance with the prorated use of marine services.

I must tell the hon. member I am not proceeding in the blind. I am proceeding with the consultation of 850 other organizations and people, and the fees will proceed as planned.

* * *

POVERTY

Ms. Jean Augustine (Etobicoke—Lakeshore, Lib.): Mr. Speaker, 1996 has officially been declared the United Nations international year for the eradication of world poverty. Can the secretary of state tell the House what Canada is doing to play its part in the international arena to help eradicate world poverty?

Hon. Christine Stewart (Secretary of State (Latin America and Africa), Lib.): Mr. Speaker, I am pleased to respond to my colleague's question on behalf of our Minister for International

Oral Questions

Co-operation who takes major responsibility in the government for international poverty issues.

Canada is very committed to the issues of international poverty and works together with the multilateral community to effect progress. We have seen some progress but we hope that by the year 2015 we with the international community will be able to reach some further significant targets.

Canada works by providing up to 25 per cent of its official development assistance for programs of health and education, clean water, sanitation, micro enterprise works, programs that will have a benefit for women. We will continue to work with the international community to do more in this field.

* * *

• (1450)

BENEFITS

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, my question is for the Prime Minister. I realize the Liberals want a new leader but that is their problem. I will ask the Prime Minister a question anyway.

Max Yalden, the former head of the human rights commission, testified before a parliamentary committee in 1994: "We believe that if sexual orientation is included by the courts in the act and even if it is more obviously included by Parliament, it would be discriminatory on the ground of sexual orientation to give benefits of one sort or another to a common law couple and yet deny them to a same sex couple".

Why do the Prime Minister and the government insist exactly the opposite is true when the commission charged with administering the act disagrees with their opinion?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we are voting on a bill in the House of Commons that will ensure there is no discrimination against anybody based on sexual orientation. The completion of this human rights act makes Canada a country in which people with a different language, different colour, different religion and some with different sexual orientation can live. It is a society of tolerance that we have in Canada and we will be voting for that this afternoon.

What the judges decide, they will decide. If Parliament has to legislate, Parliament will legislate. There will be non-discrimination enshrined for the people who happen to be homosexual in Canadian society.

Mr. Stephen Harper (Calgary West, Ref.): Mr. Speaker, the Prime Minister's answer does not address the question.

The Canadian Human Rights Commission disagrees with his interpretation. The justice minister in past statements disagrees with that position. Justice Lamer in the Mossop decision disagreed

with that position. Even members of his own party disagree with that position. The MP for Ontario said—

The Acting Speaker (Mr. Kilger): The question, please.

Mr. Harper (Calgary West): Mr. Speaker, if the Prime Minister is committed to the idea that it is not discrimination to refuse to provide same sex benefits, will he amend the human rights act to make that absolutely clear?

The Acting Speaker (Mr. Kilger): The question is out of order. The hon. member for Matapédia—Matane.

* * *

[Translation]

COAST GUARD

Mr. René Canuel (Matapédia—Matane, BQ): Mr. Speaker, my question is for the Minister of Fisheries and Oceans.

On May 7, 1996, the coast guard informed its St. Lawrence region employees of the upcoming transfer of the *Wilfrid-Laurier*, an icebreaker, to the west coast region, before the coast guard advisory committee has completed its study on icebreaking operations in the St. Lawrence.

How can the Minister of Fisheries justify that, before the committee even got a chance to complete its study of icebreaking operations, one of the five icebreakers making up the St. Lawrence fleet based in Quebec is taken away, from Quebec again, while there are still nine icebreakers based in Nova Scotia, where they do not even have ice in winter?

[English]

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, what the hon. member is talking about is the reduction in marine services.

The Bloc wants it both ways. It wants to not have marine service fees and have the taxpayers pay for that, the small taxpayers. It wants to reduce the fees but it does not want to reduce the services.

Which way does he want it? The hon. member cannot have it both ways.

[Translation]

Mr. René Canuel (Matapédia—Matane, BQ): Mr. Speaker, following this cut carried out without consultation, in which 50 employees may lose their jobs, will the Minister of Fisheries undertake not to transfer the icebreaker before the advisory committee has completed its study?

• (1455)

[English]

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, one of the comments and one of the observations made as we went forward with the marine service fees was that the

coast guard, aids to navigation and marine services cost too much. We take people seriously. We looked at the requirement to reduce and we are reducing.

Last year we reduced \$27 million. This year we will be reducing \$30 million. By the turn of the century we will be saving the taxpayer and the Government of Canada \$200 million a year, which is good news to all taxpayers.

* * *

BENEFITS

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, yesterday and again today members of the Reform Party asked question of the government with respect to future plans to grant spousal benefits for sexual orientation. We understand that on the document passed around MC stands for memorandum to cabinet. We understand now that cabinet has discussed this issue.

I wonder if the Prime Minister would care to inform Canadians precisely what cabinet has decided with respect to future benefits for gays and lesbians.

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the only discussion we have had is the bill which is in front of the House at this moment. That is the only legislation. What goes on in cabinet is part of the cabinet. The result of the work of cabinet is bills that we introduce in the House of Commons. That is it.

Right now we have a bill that will be passed and it will be progress for Canadian society.

Mr. Monte Solberg (Medicine Hat, Ref.): Mr. Speaker, that is completely inconsistent with the document the minister has acknowledged has been distributed around, certainly in the Liberal backbenches, and which has found its way into the media now.

If that is part of the Liberal government's priorities, and it is certainly on a list of initiatives, and it is on the document that this was a memorandum to cabinet, why in the world is the Prime Minister not acknowledging this has been discussed? Why is he not coming clean with Canadians and acknowledging this is something the government is looking at?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, we have a piece of legislation in front of the House and there is a lot of discussion in cabinet and in caucus. In our party we consult with caucus members and, contrary to the Reform Party, we listen to them.

In this case it was a result of the work of the party, as it was voted in many party resolutions for more than 15 years, and it will be voted on this afternoon. I am very proud of it. In order to achieve this I have been able to get this bill passed even by giving freedom to members of my party.

Oral Questions

I heard yesterday on the news that members of the Bloc Québécois were complaining they could not vote freely on it. Since this issue has come before the House, everyday we have read silly statements by members of the Reform Party.

* * *

[Translation]

LAVAL SPACE CAMP

Mr. Robert Bertrand (Pontiac—Gatineau—Labelle, Lib.): Mr. Speaker, my question is for the Secretary of State responsible for the Federal Office of Regional Development—Quebec.

In recent weeks, the federal government has been criticized repeatedly in the press for taking funds out of the national infrastructure program budget to finance the space camp in Laval. In non equivocal terms, is the federal government contemplating dipping directly into the national infrastructure program budget to finance the space camp, yes or no?

Hon. Martin Cauchon (Secretary of State (Federal Office of Regional Development—Quebec, Lib.): The answer is no, Mr. Speaker. The City of Laval did, of course, contemplate the possibility of submitting an application for the space camp under the infrastructure program. But its application would not have met program requirements, since it would have been essentially an application for refinancing.

However, the City of Laval made changes to the proposed multipurpose complex before the infrastructure program's March 31 deadline—

* * *

CUBA

Mr. Benoît Sauvageau (Terrebonne, BQ): Mr. Speaker, last week, American, Canadian and Mexican officials met in Washington to discuss the Helms-Burton bill, a bill to toughen American economic sanctions imposed on Cuba. On that occasion, the minister hinted at possible retaliatory measures.

• (1500)

My question is directed to the Minister for International Trade. Could he tell this House whether he intends to introduce legislation providing for retaliatory measures designed to counter the effects of the Helms-Burton bill?

[English]

Hon. Arthur C. Eggleton (Minister for International Trade, Lib.): Mr. Speaker, we are watching the situation very carefully. We are into a consultation process with the United States at this point in time, and depending on how that consultation process goes we will proceed with this matter further within the NAFTA framework.

Point of Order

We want to protect Canadian law, we want to protect Canadian interests and Canadian businesses that are legally doing business in Cuba.

We will continue to oppose the measures of the Helms-Burton law and will look at different options and ways to protect Canadian interests.

* * *

FISHERIES

Mr. John Cummins (Delta, Ref.): Mr. Speaker, today a respected B.C. economist, Dr. Peter Pearse, described the fisheries minister's plan as a cold shower. It sure is. It is a shock to the entire industry. The plan will irrevocably change the lives of thousands of British Columbians.

In the face of mounting opposition why the rush? Why not implement those portions of the plan where there is widespread support and delay the rest in order to address the broad based concerns being expressed in British Columbia?

Hon. Fred Mifflin (Minister of Fisheries and Oceans, Lib.): Mr. Speaker, I am not doubting the word of the hon. member, although I am very surprised to hear it. Dr. Pearse was in my office at eight o'clock this morning. He told me he was very supportive of the plan, so I have difficulty with what the member said.

The plan is one of choices. There are three choices. The fishermen can choose to exit the fishery, they can continue to fish with their present investment, or they can increase their investment by buying a licence from a fisherman who exits the fishery and increase the number of licences. These are choices for fishermen that will relieve the pressure on the fish stocks and will result in a better economy and a more viable industry.

* * *

[Translation]

PRESENCE IN GALLERY

The Acting Speaker (Mr. Kilger): We have the honour today of welcoming to this place new recipients of the Order of Canada.

[English]

These men and women from across Canada have made outstanding contributions to our country. I would ask you to please hold your applause until I have called each of their names: Donald Baxter, André Bérard, the Hon. Sidney Buckwold, Mr. Jean Davignon, Norman Inkster, Mrs. Jean Pigott, John Roberts, Verna Huffman Splane, Richard Splane, Denis St-Onge, Dr. Bryce Weir, Abel Diamond, Nabil N. Antaki, Luc Beauregard, Jack Bell, Gordon Brown, Eugène Bussière, Louis Collins, Walter Curlook, Mr. Omer Deslauriers, Soeur Lorette Gallant, Calvin Gotlieb, Roy Lindseth, Bob Lowery, Hon. Jack Marshall, Judith Maxwell, John McKellar, David Smith, Donald Smith, Armand Viau.

Please join me in welcoming them and saluting their achievements.

Some hon. members: Hear, hear.

* * *

[Translation]

BUSINESS OF THE HOUSE

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, I would ask a future recipient of the Order of Canada what is on the agenda for next week.

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, today we will conclude consideration of Bill C-33. Tomorrow, we will resume the debate, at report stage, on Bill C-12, the employment insurance act.

[English]

On Monday we will complete report stage and second reading stage of that bill. If there is time we will proceed to Bill C-19, the internal trade bill, followed by Bill C-20, the air navigation bill. On Tuesday we will continue third reading of Bill C-12. On Wednesday, depending on what was accomplished on Monday, we will call Bill C-19, Bill C-20, Bill C-4 and Bill C-5. Thursday will be an allotted day. Friday we will take up business from where we left off on Wednesday. If we are making better progress, then I expect we will add to the list.

● (1505)

Mr. Speaker: Mr. Speaker, could the hon. parliamentary secretary indicate whether there will be a free vote on Bill C-33, thus row by row?

The Acting Speaker (Mr. Kilger): With the greatest respect, I do not believe that is a matter of business relative to the original question.

* * *

[Translation]

POINT OF ORDER

POSTAL SERVICES FOR THE HOUSE OF COMMONS

Mrs. Madeleine Dalphond-Guiral (Laval Centre, BQ): Mr. Speaker, I wish to raise a point of order regarding the use of services provided to help members fulfil their parliamentary duties.

The facts are as follows: yesterday, a House of Commons envelope bearing the mention "for the member's eyes only" was put in my postal box. It contained the position of the Ligue catholique des droits de l'homme on Bill C-33.

There was no mention of the source of the documents and no covering letter. In other words, the documents were sent anonymously.

It seems to me that such use of the House's postal services is not compatible with the rules.

Members certainly have the right to send mail to their peers, so as to make their ideas known regarding the issues reviewed by the House. However, they should use their post-free privilege or, at least, identify themselves when they send documents.

But to send mail anonymously, through the House's postal services, for the benefit of the Ligue catholique des droits de l'homme is to lobby for this organization. This clearly violates the rules governing the House's postal services, since these services are being used for purposes other than those for which they are intended.

How do we explain the fact that the House staff deemed appropriate to put an anonymous envelope in a postal box?

I ask the Chair to refer the issue to the Board of internal economy, so that it can investigate the matter and shed light on this rather serious incident.

[English]

The Acting Speaker (Mr. Kilger): I will recognize the chief government whip. I will come back to the hon. member for Winnipeg—Transcona.

I regret I had no way of knowing whether it was on a general point of order or House business. I should have given him the floor. I would like to complete this matter and I will come back to him on that matter.

[Translation]

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I thank the chief opposition whip for having pointed this matter out to me this morning. I, too, was aware of the problem, first, because I received a similar document, and second, because my colleagues also told me about it.

As the spokesperson for the Board of Internal Economy, I have referred the matter to the table officers of the House of Commons for investigation. I intend to raise the matter with the Board of Internal Economy when that investigation has been carried out.

I will conclude by saying that I, too, regret the fact that twice in two days this House appears to have been used for the purposes of lobbying, or at least its services appear to have been used for these purposes.

The Acting Speaker (Mr. Kilger): Since there are no other comments, the matter will be referred to the Board of Internal Economy.

[English]

BUSINESS OF THE HOUSE

Mr. Bill Blaikie (Winnipeg Transcona, NDP): Mr. Speaker, my question has to do with House business.

Point of Order

The House will recall that immediately after the Supreme Court decision with respect to tobacco advertising, the government made a commitment to bring in legislation that would reinstate the ability of the government to regulate that industry.

Given that we are getting near summer, could the deputy government House leader indicate whether any legislation will be forthcoming before the summer break?

• (1510)

Hon. Alfonso Gagliano (Minister of Labour and Deputy Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I thank the member for his question. I will take it under advisement. I will get back to him to see whether we are on this important subject. In the next few hours or in a few days I will get back to the member and inform him where we stand and what the House business agenda is.

QUESTION PERIOD

Mr. Chuck Strahl (Fraser Valley East, Ref.): Mr. Speaker, during question period the member for Calgary West asked a supplementary question of the government not on the bill that is before the House today but on amendments to a bill some time in the future.

Mr. Speaker, you ruled the question out of order. He was not referring to the question of the day. Could you explain why that would be out of order?

The Acting Speaker (Mr. Kilger): I will make a brief clarification. I concur with the hon. member with regard to the initial question. In my judgment, the supplementary went directly to the question of business that is before the House today. That is why I ruled that question out of order. I consider the matter closed on this point of order.

MEMBER FOR WINNIPEG SOUTH

Mr. Jake E. Hoepfner (Lisgar—Marquette, Ref.): Mr. Speaker, I rise on a point of order with regard to an S. O. 31.

I may wish to rise on a question of privilege tomorrow morning on the statement made by the member for Winnipeg South after I have reviewed *Hansard*.

The Acting Speaker (Mr. Kilger): The Chair will take that under notice.

DECORUM IN THE HOUSE

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, for the last two days the hon. member from Winnipeg and I have been trying to get a question on the floor of the House.

Mr. Speaker, I know you have a very difficult job, but perhaps on both sides of the House if members would conduct themselves in a more professional manner there would be more time for you to recognize our questions without everybody applauding, screaming and hollering like a bunch of school children.

Routine Proceedings

The Acting Speaker (Mr. Kilger): The member for Saint John raises a question that is of interest to all members of the House. Respectfully, I join each and every member in the House in asking the co-operation of all members, whether asking a question or giving a reply. If we can shorten them up on both sides we will get to more questions and more answers. That is something we endeavour to do each and every day. It is not a point of order but a point of information.

BILL C-33

Mr. Elwin Hermanson (Kindersley—Lloydminster, Ref.): Mr. Speaker, I would like to know whether the government whip is calling the vote tonight a free vote, and therefore whether you will be calling for the vote to be taken row by row.

As I understand it, under the standing orders a free vote such as a vote on Private Members' Business is taken row by row, whereas a government order and a non-free vote is taken party by party. That is what we would like clarified. We have received conflicting reports about whether it will be a free vote.

The Acting Speaker (Mr. Kilger): The rules of the House provide only for votes row by row on business originating from private members' motions unless there is unanimous consent. I suppose the House can do most anything through unanimous consent.

In terms of the standing orders, row by row votes are used only on private members' business.

THE SENATE

Mr. Jim Abbott (Kootenay East, Ref.): Mr. Speaker, I wonder if I might have unanimous consent to table a letter addressed to me from Premier Ralph Klein wherein he confirms that he will be asking the Prime Minister to appoint a senator from Alberta to replace the late Senator Earl Hastings.

Such an appointment is to be given by the successful candidate in a senatorial election in accordance with the Senate Elections Act, 1989.

The Acting Speaker (Mr. Kilger): I believe the hon. member for Kootenay East has made his point. It would not be required to put that to unanimous consent.

• (1515)

PRESENTATION OF PETITIONS

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I seek permission of the House to table a petition. I recognize this is not the hour for petitions but unfortunately I just received it. It is from a number of my constituents. I just received it from the clerk of petitions. It does deal with the legislation that is before the House.

The Acting Speaker (Mr. Kilger): The member and other members who are in possession of petitions regarding the matter which is before the House today have asked if they could present

their petitions. Is there unanimous consent to revert to petitions in order that those petitions could be tabled?

Some hon. members: Agreed.

Some hon. members: No.

An hon. member: It is certified.

An hon. member: The government whip said no.

The Acting Speaker (Mr. Kilger): Order, please. There seems to be some discussion going on across the floor on the matter of whether a petition or petitions are certified. Let me put the proposition this way to the House. If in fact members have in their possession petitions that are certified, would we revert to presenting petitions? The hon. chief government whip.

Mr. Don Boudria (Glengarry—Prescott—Russell, Lib.): Mr. Speaker, I wish that whips would negotiate these things ahead of time in the usual manner.

If the hon. member has a duly certified petition, for the benefit of his constituents, yes, we will give consent for one petition. I understand there is also another member who has a similar petition which is also certified. We will agree to table those petitions, given the importance of the issue, providing they are certified.

The Acting Speaker (Mr. Kilger): Colleagues, this is a place of honour. I understand that members can also table their petitions by sending them directly to the table. However, in this case a request has been made.

This House is on the honour system. If the petitions are certified, is there unanimous consent that we revert to petitions?

Some hon. members: Agreed.

ROUTINE PROCEEDINGS

[English]

PETITIONS

HUMAN RIGHTS

Mr. John O'Reilly (Victoria—Haliburton, Lib.): Mr. Speaker, I rise today to present two petitions from people in Victoria—Haliburton who are calling on Parliament not to pass into law any changes to the Canadian Human Rights Act or the charter of rights and freedoms that would allow spousal benefits to same sex couples.

Mr. John Maloney (Erie, Lib.): Mr. Speaker, I also have a petition to present from constituents in Erie riding. It reads in part:

Whereas a majority of Canadians believe that the privileges which society accords to heterosexual couples should not be extended to same sex relationships;

And whereas societal approval, including the extension of societal privileges, would be given to same sex relationships if any amendment to the Canadian

Human Rights Act were to include the undefined phrase "sexual orientation" as a grounds of discrimination;

Therefore your petitioners pray and request that Parliament not amend the Canadian Human Rights Act or the charter of rights and freedoms in any way which would tend to indicate societal approval of same sex relationships—

Mr. Morris Bodnar (Saskatoon—Dundurn, Lib.): Mr. Speaker, I have two petitions. The first petition has 30 signatures and asks that the human rights act not include sexual orientation.

The second petition has 452 signatures and asks that sexual orientation be included in the human rights legislation.

Mr. Ovid L. Jackson (Bruce—Grey, Lib.): Mr. Speaker, petitions are one of the oldest forms for our constituents to tell us about matters which concern them. I am pleased to present this petition on behalf of the people of my riding.

In the petition citizens of Canada draw to the attention of the House the following:

Whereas a majority of Canadians believe that the privileges which society accords to heterosexual couples should not be extended to same sex relationships;

And whereas societal approval, including the extension of societal privileges, would be given—

I would like to table the petition, Mr. Speaker.

[*Translation*]

TRAN TRIEU QUAN

Mr. Philippe Paré (Louis-Hébert, BQ): Mr. Speaker, the people of Quebec are appalled by the Canadian government's inaction in the Tran Trieu Quan case. These 5,000 petitioners are outraged by the incarceration of this—

The Acting Speaker (Mr. Kilger): Order, please. I simply wanted to make sure hon. members understood we had an agreement to revert to petitions, but only if they related to the subject matter of the bill now before the House. Therefore we will get back to your petition some other day.

• (1520)

[*English*]

HUMAN RIGHTS

Mr. Mike Scott (Skeena, Ref.): Mr. Speaker, I rise on behalf of constituents, 40 of whom live in Kitimat in my riding. They have presented the following petition: "We the undersigned citizens of Canada draw the attention of the House to the following: Whereas a majority of Canadians believe that the privileges which society accords to heterosexual couples should not be extended to same sex relationships; and whereas societal approval including the extension of societal privileges would be given to same sex relationships if any amendment to the human rights act were to include the undefined phrase of sexual orientation as a grounds of discrimina-

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tion; therefore your petitioners pray and request that Parliament not amend the Canadian Human Rights Act or the charter of rights and freedoms in any way which would tend to indicate societal approval of same sex relationships or homosexuality, including amending the Canadian Human Rights Act to include in the prohibited grounds of discrimination the undefined phrase of sexual orientation".

The Acting Speaker (Mr. Kilger): I know there has been an understanding to revert to petitions. I would ask for members' co-operation to get to the substance of the matter.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, I would like to thank the House for the opportunity to present this petition. It has 127 names which can be added to over 100,000 names which are already on record with regard to this issue. I will condense the preamble. It states that the Holy Scriptures very clearly state that homosexual and alternative lifestyles are not acceptable and are wholly abhorrent to normal family life and it is clear that homosexual and alternative lifestyles have created a medical scourge in Canada. Therefore the petitioners humbly pray and call upon Parliament to totally reject any inclusion of the words "sexual orientation" in any act, code or bill.

GOVERNMENT ORDERS

[*English*]

CANADIAN HUMAN RIGHTS ACT

The House resumed consideration of the motion that Bill C-33, an act to amend the Canadian Human Rights Act, be read the third time and passed; and of the amendment.

Mr. Francis G. LeBlanc (Parliamentary Secretary to Minister of Foreign Affairs, Lib.): Mr. Speaker, I will pick up my remarks where I left off this morning. Before question period I was in the process of saying that Bill C-33 is not about homosexual unions. It is not about same sex benefits. It is not even about sex. It is about human rights.

Bill C-33 advances the moral proposition that it is a violation of fundamental human rights to deny a person access to services or to discriminate against someone in terms of employment purely on the basis of their sexual orientation. Indeed Bill C-33 does not even advance that proposition. It merely expresses in federal law what already is recognized by the courts and in most provincial human rights legislation.

The legislation does not confer special rights on gays and lesbians any more than including religion as a prohibited ground for discrimination confers special rights on Catholics for example.

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It is merely in place to prevent discrimination on these grounds. If discrimination does not take place, then the law need not be applied. Unfortunately there is far too much evidence that discrimination against gays and lesbians does take place in our society.

Those who would oppose this bill for whatever purpose need to confront the moral question: Is it morally acceptable to discriminate against someone because he or she is a homosexual? If so, what is the acceptable form and extent of the discrimination? Is it putting employees in the back of the shop? Is it refusing services to them? Is it by a sign in the window that says no gays need apply? These are the questions that need to be asked.

Those are the same questions which might in another time and another place have been asked where the word "homosexual" was replaced by the words "Jew" or "black". If one follows the logic of those questions, one leads quickly down the dark road of intolerance. These questions will lead us down that road of intolerance if we are not prepared to confront them.

• (1525)

For example, yesterday a member from Manitoba referred to legislation in Canada taking us toward societies like Liberia or Zambia with violence and social disorder. He attributed that in some way to the provision to prevent discrimination against gays and lesbians.

In all sincerity I do not believe that Canadians in 1996 want their government and their Parliament to go down that road. This is the process of reflection which leads me to support this legislation.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, it has been very difficult to get up on this matter today. Time allocation has made it such that those members who wish to address this are having great difficulty in doing so. I would like to make two comments in regard to what the member and other members have said today.

This morning the Bloc member of Parliament for Hochelaga—Maisonneuve gave an example of a church in Quebec that refused a group which openly promoted homosexuality the use of its facilities. My understanding, at least through the translator, is that he felt churches should not be allowed to exercise this choice.

What rights do churches have? One of the points we as Reformers have been making is precisely that this amendment will infringe on the rights of other groups to speak out on ethical moral issues. Will they be able to choose whom they associate with? There is a moral element to this issue. Will churches be able to make these moral judgments after this legislation is passed? The fundamental question is: Where do we get our values from?

Does the government have an ulterior motive in all of this? The questions we have asked have revealed that we are not opposed to sexual orientation in the sense that it would prevent discrimination. We are opposed to all the other things this opens the door to.

Homosexuals are now given as much protection as everyone else. We do not want to discriminate. But because none of the amendments that we proposed were approved, we have to wonder if there is a hidden agenda. Are there ulterior motives?

At second reading we approved in principle that we are opposed to discrimination on the basis of sexual orientation. I would like all members to consider how they are going to vote at third reading stage. We really have a choice. In light of the fact that none of the amendments were accepted, I hope that all members will seriously consider what we are doing when we include this in the Canadian Human Rights Act.

Many many people in this country are gravely concerned as to what this may do to churches, educational institutions or family life. If the member has any comments in regard to that I welcome them. Those are our basic concerns.

Mr. LeBlanc (Cape Breton Highlands—Canso): Mr. Speaker, there are good sound legal reasons why each of the amendments was not accepted. The reasons differ with each amendment.

The problem with the member's question and the line of inquiry he is opening up and the attack which has been made on this legislation is that the member is not dealing with the legislation. The member is dealing with hypotheses, projections of what might occur in other legislation if this legislation is passed. He says, quite emphatically, that if the Canadian human rights law is changed by prohibiting discrimination on the basis of sexual orientation, he is not opposed to that. That is what the Canadian human rights law that we are amending deals with in this instance.

• (1530)

The Criminal Code, the charter of rights and freedoms, all of the other laws that are hypothetically raised as spectres that will happen if this change is made are totally irrelevant to the legislation that we are debating today.

If there has to be a change made in the future to some other law to deal with concerns such as the one the member has raised, those laws will have to be debated in Parliament. If they are debated in Parliament then the views of all sides of the House will be raised in connection with those laws.

However, to raise all these hypothetical scenarios which have nothing to do with this law, as the member admits, is again the fear-mongering which has been taking place in order to confuse Canadians who are seriously considering the ethical and human rights questions which are directly related to this legislation. That

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is a dangerous line of inquiry. The issue is too important to be dealt with in this very fuzzy fashion, if I might use that term.

The Acting Speaker (Mr. Jackson): The hon. member for Yorkton—Melville. I want to remind the hon. member that there is another four minutes for questions so if he wants an answer he should make sure his question is short.

Mr. Garry Breitkreuz (Yorkton—Melville, Ref.): Mr. Speaker, the point that we have been trying to make all along in this debate is that these people are already protected under the law. We do not have to create another category for this.

If what the member is saying has any credibility, if this is an important issue, why is it being pushed through the House in eight or nine days? If all of these repercussions need to be addressed why is debate being limited? That flies in the face of what he is saying, which is that in a democratic institution all of these things should be fully examined to see what the repercussions are and to assure people that there is not a hidden agenda. Some documents have already been uncovered to show that there are other things that will take place. Probably 43 other acts will be amended because of this.

If people have concerns in this area why in the world is this bill being pushed through without debate? That really contradicts what the member is saying in regard to the concerns that people have.

Mr. LeBlanc (Cape Breton Highlands—Canso): Mr. Speaker, the debate on this issue did not start with this legislation a couple of weeks ago. It has been going on for years. The same debate has gone on in the passage of provincial legislation which was put in place going back to the 1970s. It is a debate which has been taking place for a long time and is ongoing.

The member makes a point about us ramming this through the House and about the 43 other laws that will be changed. The bill is very simple and straightforward. If there are laws which need to be amended they will have to be brought before the House. Then members will have an opportunity to debate those changes.

However, this is a very simple and straightforward bill which amends one particular law in a very precise way.

Again, to extrapolate all of these hypothetical scenarios is not faithful to the legislative process the House is engaged in.

Ms. Paddy Torsney (Burlington, Lib.): Mr. Speaker, this debate has stirred many emotions. Many people have said some pretty outrageous things throughout it in the Chamber and elsewhere.

• (1535)

All members have an obligation to remember that people are listening, that we have staff who support us who are affected by our words. Canadians have been hurt by some things that have been said in the House. Many apocalyptic predictions of what would occur if we passed this bill have been presented.

I suggest to members that in spite of our inflated views of ourselves and our power here, we cannot destroy families. Through wars, plagues, famines, through all of history, families have survived. It is important to think about what would occur if we do not pass this bill.

I want to point out what Bill C-33 is not. It does not deal with marriage or adoption. It does not apply to religious organizations and their teachings. They are not under federal jurisdiction. It does not deal with same sex benefits. It does not give heterosexuals the right to have sex with minors. It is not about special rights.

Human rights are inherent. They are an integral part of human beings. Our laws, our legal framework, the way we establish our country should reflect this. We recognize as Canadians that it is wrong to discriminate against women, that it is wrong to discriminate against Catholics. Yet we must also recognize that if people are gay or lesbian, problems exist for them in Canada. In the provision of goods and services and employment, discrimination is taking place.

In 1985 an all-party House of Commons committee unanimously passed a resolution that this amendment should be made. Eleven years later, we are still at this point. It is not in effect for people in Canada. I commend the minister for his courage in putting this on the table now.

Canadians say that discrimination should not occur, that gays and lesbians should not be denied promotions, that heterosexuals should not be denied jobs, that it is wrong to discriminate. They also say they know people who have been discriminated against: fathers, brothers, daughters.

We know, for instance, that some youths in Canada engage in an activity known as the game, an activity that causes them to seek out homosexuals and beat them up. Is that okay in Canada? Do members agree with that?

Police in Canada have hate crime units. In Ottawa in the last two years, 387 cases of hate based crime have occurred; 45 of them were sexually oriented. We can all stand up and say that it is wrong for the 215 assault cases that were race related. It is even easier to say it was wrong for the 210 cases which were based on religion. It is very wrong and we do not accept it.

It is more challenging somehow for us to stand and be counted on the crimes related to hatred against gays and lesbians. In fact,

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many MPs voted for Bill C-41. They stood up for people who were beaten up, but somehow they cannot support this bill. I believe that it is through intolerance in employment and other places that we communicate as a society that we accept violence against fellow citizens.

What will we say if we do not pass this bill, if we do not support the inclusion of sexual orientation? I would remind all colleagues that we all have a gender, we all have a race, we all have a religion, we all have a marital status and most importantly, we all have sexual orientation. Including sexual orientation in this provision is not encouraging a lifestyle. That is as absurd as suggesting that the inclusion of religion encourages people to become Greek Orthodox or that including gender would encourage men to suddenly want to become women.

If we do not pass this bill we would be saying that as a nation we accept that discrimination on certain grounds is okay. We would be saying that certain Canadians, citizens who pay their taxes, raise healthy families, go to places of worship, work for charities, are somehow not equal to the rest of us who are straight.

We would be saying to parents and grandparents that their kids are not equal, that their son or daughter does not deserve to be judged on skill, education, ability to fly a plane or to handle bank transactions. We would be saying that their son or daughter deserves to be judged solely on their perceived sexual orientation.

• (1540)

Do not all Canadians, no matter what region they live in, no matter which province, no matter how they vote in referendums, agree that they share a value of tolerance? Is there not a need to stand up and give an important message to Canadians on this front?

After listening to this debate I am sure there exists a need. People who should know a heck of a lot better. Elected officials from the third party, in particular, seem unaware that in seven provinces and one territory, over 90 per cent of the Canadian population, it is already illegal to send someone to the back of the shop and it is already illegal to fire them on the basis of colour, religion or sexual orientation.

The member for Nanaimo—Cowichan should know better. To the member for Lisgar—Marquette, my god, suggesting that we are inciting civil war like that in Liberia and Zambia, it is insane. It does not make any sense and frankly it is a disservice to the people in Liberia and Zambia for what they are going through.

After listening to this debate I am positive that amendment is necessary and is necessary now. We can waste no more time. It is a matter of basic human rights, rights that all of us have the minute we are born. All Canadians deserve this law today for their children and grandchildren.

Tolerance or values are not something of leisure or of convenience. We are all called on to stand up for people, to stand up for the people no one else seems willing to stand up for. It is a challenge I offer all members of this House.

Mr. John Bryden (Hamilton—Wentworth, Lib.): Mr. Speaker, I appreciate the opportunity to make a few remarks here and I thank my colleague for her remarks.

A few days ago the member for Halifax made this statement with respect to the amendments brought by members. She said those amendments “involved fearmongering, intolerant and un-Canadian sentiments”.

The member for Cape Breton Highlands—Canso again used the word fearmongering in connection with the amendments that were brought by his colleagues a few days ago and defeated yesterday.

I was one of those members who brought an amendment forward and I wish my colleagues to know that it was not un-Canadian, it was not as a result of fearmongering. I brought the amendment forward because I believe that some Canadians are genuinely concerned about Bill C-33, not because they are against discrimination, but because Bill C-33 is vague and imprecise in its application.

Canadians do not know what the impact will be. The Minister of Justice has assured us the bill is designed to be limited to the workplace but there is a genuine concern among many Canadians that it may have impact in interpretations that pertain to the definition of family and marital status in the context of same sex relationships and same sex benefits.

The reason for my amendment, and the amendments of several other members on both sides, was to try to draw parameters around the bill in the precise manner that the Minister of Justice had proposed. He had said that the bill should apply to discrimination in the workplace. I think 90 per cent of all Canadians would agree with him that this is a very good thing.

I can assure the House that if I was confident the bill did apply only to discrimination in the workplace then I would support it with all my heart. I am afraid for some reason, and I do not know why there has been a reluctance on the part of the government to do what it so easily can do, that is to put in a few phrases which simply state that this bill is not to be taken in any context that pertains to the redefinition of family, marital status or anything to do with same sex relationships. This could have been done. This was in the amendments that were put forward and all were defeated in the House.

I would ask the member for Burlington who spoke very well and I would agree with her that we should deplore any form of discrimination in the workplace pertaining to sexual orientation.

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Does she not feel that the government could have moved so much further forward, could have answered so many of the worries of Canadians if only it had defined a little bit more precisely what it means by family and to put it in the body of a statute rather than to leave it has it is.

Ms. Torsney: Mr. Speaker, if we were to ask any person in this room to identify who their family is, they would have absolutely no problem in describing those people who make up their family.

• (1545)

All of us would have a different definition. All of us would know very well what we meant, who those people are. Yet every day I am told by people that I do not have a family because I do not have children and I do not have a spouse.

People want to define traditional family or family, that it is heterosexual, with two children or three children. I do not fit that description because I do not have a spouse and I do not have children.

I did not appear on earth all of a sudden. I have a family. I have parents. I have brothers and sisters. I have five nieces. I have friends. I have a family. I will continue to have those aunts, uncles and cousins who make up my family.

Should we get into this ridiculous game of trying to make some definition that fits everybody? One definition is that it must be heterosexual. If I had only my mother and my niece in my family, would we somehow not be a family because we were all female?

Is it our business who is sleeping in which rooms in a home? When it comes to children, yes. When it comes to illegal activity, yes. Issues of who are strong economic units, of who support each other in other ways, are not for the House to decide.

Canadians know what a family is. Everyone in this room could define family. I have a family.

[*Translation*]

Mrs. Francine Lalonde (Mercier, BQ): Mr. Speaker, I am pleased to participate in the debate at third reading on Bill C-33, whose purpose is to add sexual orientation to the prohibited grounds of discrimination listed in the Canadian Human Rights Act.

I am reiterating the purpose of this bill because some of the speeches in this House would suggest a totally different purpose. In fact, this bill is aimed at including another reason not to discriminate. The Canadian Human Rights Act will now prohibit discrimination based on sexual orientation.

The truth is that Canada is way behind. That is the truth. What is outrageous in all this is that Canada is lagging behind. The rights

and freedoms charter adopted by Quebec in 1977—when the Canadian Human Rights Act was passed—already prohibited discrimination based on sexual orientation. Since then, seven other provinces have included similar provisions in their legislation.

Were moral and family values in those provinces destroyed? Of course not. As the Canadian Human Rights Commission said, it is worthwhile and necessary to remind people year after year that sexual orientation should be included among the prohibited grounds of discrimination.

It must be kept in mind that, according to the Universal Declaration of Human Rights, all human beings are born equal in rights. During an interview on “Morningside” on March 19, 1996, Max Yalden said this: “All I am saying is that it must be done”. That was before the government made its decision. He added: “The courts have said that it must be done. In some countries to which we like to compare ourselves, it has already been done. The government now in office—he gave this interview before the bill wastabled—and its predecessors promised to do so. What we are saying is that the time has come to act”.

• (1550)

It is worthwhile to go over the prohibited grounds of discrimination listed in the act. There is race. Yet, precisely because prejudices are so deeply ingrained, we must help society become more tolerant. A good way to help society become more tolerant is to pass legislation clearly prohibiting discrimination based on race.

Then there is national or ethnic origin. I could remind the House that French-Canadians have themselves experienced discrimination first hand. I could say they are still experiencing it but, to help Canadian society become more tolerant, we specified in the charter that this is a prohibited ground of discrimination.

I now move on to colour, religion, age and sex. Women know that the fight is not over, that the real conditions needed to achieve equality are not all there. But where would we be if the Canadian legislation did not prohibit discrimination based on sex? Yet, as we know, it is not because this provision exists that we have all the conditions needed to achieve economic equality. We see it in all kinds of areas.

I continue with marital status. I remember when being divorced used to arouse strong prejudices. It has now become a prohibited ground of discrimination. It is prohibited to discriminate against someone based on marital status, and that is a good thing. Does this mean that, in all families, the time when divorced people were treated differently is over? No, it is not over.

However, we as a society are saying it is prohibited to refuse to hire someone because he or she is divorced. The same goes for family status, conviction for an offence for which a pardon has been granted and, yes, disability, because some people may look

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with contempt at those with disabilities. Does this mean that all disabilities will be overlooked, that those having to live with disabilities will enjoy the conditions needed to achieve equality? No.

The truth is that societies are very slow to learn tolerance and that, in some cases, a tolerance that had been taken for granted may not be so deeply entrenched.

In eight provinces—in Quebec since 1977—sexual orientation is listed among the prohibited grounds of discrimination. Again, the time has come for Canada to get in step with the provinces, with other countries, with the Canadian Human Rights Commission. That is the real issue.

I was disturbed to see that, until very recently, this government had not announced its intention to act on a bona fide promise.

• (1555)

I myself heard the Minister of Justice state in this House that the government had many priorities and that it was not sure that he could act on this commitment before the next election.

I wonder why the government rushed in as it did, unannounced, with this long awaited and hoped for bill, a bill which only brings federal legislation in line with that of the majority of provinces. Why did this bill appear all of a sudden, out of the blue, at a time when the government was in big trouble because of its own turpitude and about to lose face completely? It zoomed through second reading, report stage, third reading and time allocation.

I figure that the government extricated itself from of a difficult situation by turning the tables on us. But I do not want it to get off so lightly. I am pleased to speak on this motion. I think that Canada is catching up. I am saddened however by statements I have heard in this House, because I like to think of Canadian society as a tolerant society. But some of the statements made in this House, even from members opposite, do not exactly reflect tolerance.

I think that our friends on the government side, who do not take lightly—and neither do I—the statements made by our Reformer friends, should turn their guns on those members of their own party who often made much more devastating remarks than the Reformers, and that takes some doing. Take for example the hon. member for Central Nova, whom I have heard express the view that homosexuality was unnatural.

It is indeed urgent that this motion be agreed to. It is urgent that we pass this motion whose sole purpose is to help society develop the tolerance required. I have heard concerns expressed about the family. I failed to see the connection between these concerns and the bill itself, which explicitly prohibits discrimination.

Would the opposite view be to regard as legal discriminating against people in the workplace on the grounds that they are gays or

lesbians? Because it is important to see in what context these provisions will actually and effectively be applied.

As I said earlier, never in the 20 years since 1977 that we, in Quebec, have been governed by such a provision have I noticed any erosion of the family, but I did see it restructure. The fact is that the family is changing. I for one think that the family has been changing to keep up with economic and social changes for centuries. It adjusted to evolving economic and social conditions and also—I guess I can fit religion in here—to emerging ideologies and behaviours. The family changed as required.

• (1600)

The industrial revolution drove many people away from the land and into the cities. Large rural families not only reflected a respect for religion but a need for a small workforce on the farm. When families moved into the cities, their structure underwent significant changes.

Women started going to work, not because of a sudden urge to work in a factory but, on the contrary, because the only work available to them was, in most cases, a hard and thankless job that slowly killed them.

The family structure changed along with economic and social conditions. It continues to change. I have a great deal of hope in the future, but I know one thing: it is very hard to classify the family right now. I went to the trouble of looking at the amendments made and I noticed that they overlooked what I think real families are, families whose members are responsible and support each other, families whose members love children, the sick and the elderly, and care for them.

Even in the catholic religion—I taught religion a long time ago—the marriage is a sacrament involving two people who willingly want to get married. The Church is only a witness to that union. More than the requirements of the state, what really matters in a family is the will of its members to assume a responsibility together.

It is too soon to put a label on a changing structure. Rather, we must look at the needs. As far as I am concerned, the needs of children must have priority. When these needs are met, even if it is not in a traditional family, it is great for children.

If we are to ensure tolerance in our society, Canada must urgently send a signal that it is not appropriate to discriminate against someone on the basis of his or her sexual orientation. This is not the place to analyze the roots of homosexuality or lesbianism. However, it is extremely important to understand that it is a reality, that we are talking about honest and respectable citizens who, like all other members of society, must abide by the same moral principles.

Sexual orientation is a fact of life. It has always existed and it has nothing to do with pedophilia. Nothing at all. Pedophilia is a deviation.

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● (1605)

Sexual orientation is a fact that, when people become aware of it at a certain age, may be disturbing. They may decide, in some cases, to acknowledge it, and, in others, not. But it is a fact.

So is Canada, or is it not, going to continue to fail to recognize the rights of those who are faced with this fact, whatever their age?

I would have preferred to see the party in power introduce Bill C-33 deliberately and voluntarily as part of its legislative agenda, rather than in reaction to a crisis, in order to take the heat off, to move a problem to the back burner. But I am nonetheless pleased that Canada is finally moving with the times.

It remains only to say that all those who are worried should not be, because it does not follow that because we are going to add this category to the Canadian Human Rights Act that, any more than in the case of sex, for example, either mentalities or economic and social conditions are going to change immediately. No, it is a signal that the country is sending, and it must be an urgent one, it seems to me, and it must be clear.

[*English*]

Mr. Janko Peric (Cambridge, Lib.): Mr. Speaker, I appreciate the comments of my colleague from Mercier. I agree with her that we are all born equally as humans. Would the hon. member agree with me that there should have one law to protect all humans equally regardless of what or who they are?

I believe that a great majority of Canadians are against discrimination, especially Canadians from my riding of Cambridge. They are against discrimination. I am against discrimination. I see a human being as a human being. In dividing Canadian society into small self-interest groups we are discriminating against somebody else.

I believe a great majority of Canadians have a right to be concerned. What is going to happen to this country? This country has been built by the traditional family. I believe that in the future Canada will be built even better and stronger with the same values without any discrimination.

[*Translation*]

Mrs. Lalonde: Mr. Speaker, my answer will deal with two things. The first is that, if, since probably after the second world war, a growing movement, which began earlier, but a growing movement in favour of the explicit recognition in the laws of countries that discrimination against certain groups should be prohibited, won over governments, it was because this objective, this ideal of equality between all men is a difficult objective to attain. It is difficult to attain even between two people who love each other. So, it is a difficult objective to attain, and it is something that must be examined: systemic discrimination does exist.

● (1610)

There are groups that have been the target of discrimination over the years, and the fact that we talked about it, the fact that discrimination was prohibited in law helped. I am not saying that this completely ended discrimination, but, as I said earlier in my speech, I think it is a signal that each society sends. It is a signal of tolerance.

Sometimes this signal is expressed in a negative way, by saying that we must not discriminate. It must be admitted that it is easy, in a group, to make fun of someone else, but, as a society, we must tell ourselves: "No, we must not do that". Essentially, what you are seeing is the differences that have been expressed.

No, this is not enough. An objective is necessary, but we must recognize that there is systemic discrimination, and governments cannot allow themselves or the people they govern to discriminate against groups that are the target of systemic discrimination.

I would add something about fear. This prohibited ground of discrimination is to be found in eight provinces; I have not calculated the percentage of the Canadian population subject to provincial legislation prohibiting such discrimination. Just tell me this: Since it entered provincial legislation, have the churches collapsed? Of course not. Has it meant the end of discrimination within couples? No. But again, it is a signal we are sending, and I think that Canada, which, as a country, is lagging behind the provinces, must send this signal.

[*English*]

Ms. Roseanne Skoke (Central Nova, Lib.): Mr. Speaker, the hon. member raised the issue of religion in her speech. Therefore, I would like to address that issue.

I draw to the attention of the hon. member that in *Hansard* on April 30 the Minister of Justice stated: "This bill is fundamentally consistent with the most basic teachings of religion". He went on to state that he was a Roman Catholic: "I developed a deep respect for the tenets of the Catholic faith. I suggest this amendment and the action it constitutes is completely consistent with those tenets".

It is my position that the Minister of Justice has exceeded his authority by speaking on behalf of the church. I would like to ask the hon. member, was the Minister of Justice speaking on behalf of the church in the province of Quebec?

[*Translation*]

Mrs. Lalonde: Mr. Speaker, I will say to her that I do not think so, but there are a number of churches in Canada. Not all churches approach these questions the same way. There are churches that accept divorce, others, like the Catholic church have a hard time coming to terms with it, even if church members sometimes try to make the church change.

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While I was professor of religion, I developed an interest in the meaning of words. The word for church in French, "église" can mean two things: *ecclesia*, in latin, which means hierarchy, but it can also mean the faithful. Over the years, often, the hierarchy has codified ethics and the means to getting to heaven. However, sometimes people in church, whatever they may have been, have tried to move things along, and Catholic church councils and the equivalent in other churches have changed that.

On this point, I will conclude with something the former premier of Quebec, Jacques Parizeau, said about free choice. He said that the religion of some must not become the law for others.

[English]

Mr. Tom Wappel (Scarborough West, Lib.): Mr. Speaker, the hon. member for Mercier spoke about how opposed she is to discrimination, and how opposed we all are to discrimination.

One of the categories the hon. member mentioned in terms of discrimination and how bad it is, was age. She specifically indicated that there should be no discrimination on the basis of age. I hope she agrees with me.

• (1615)

I read recently that the province of Quebec was one of the first provinces to amend its human rights code to remove permission to discriminate on the basis of age, which is euphemistically known as the age of retirement.

Many provinces permit discrimination on the basis of age. In other words, that a person can be fired when they are 65 is discrimination on the basis of age. I have not heard many people say they are against that, but the province of Quebec eliminated that form of discrimination.

The new premier of the province of Quebec has decided that for economic reasons he may reintroduce age discrimination. Do the Bloc Quebecois and the hon. member for Mercier agree with the premier of Quebec that there should be discrimination on the basis of age?

[Translation]

Mrs. Lalonde: Mr. Speaker, I remember the amendment. People were stopped from continuing to work when they reached age 65, and it was under René Lévesque that this barrier was lifted.

Canadian law provides that a distinction on this basis is prohibited. You will understand as I do, however, that, in the case of employment, practical consideration must be given to the situations of young people and of people who are aging.

I am sure the situation of young people today, in 1996, is not what it was in 1985. The demographic situation, the economic situation and rapidly changing technology make the situation

difficult today for young people—I have three children. I think the government is trying to create a balance in employment terms between the right of the young people to have a job and the right of the aging population, which includes me, to continue—

The Deputy Speaker: Unfortunately, the member's time has expired.

[English]

Mrs. Dianne Brushett (Cumberland—Colchester, Lib.): Mr. Speaker, I will be sharing my time with the hon. member for London West.

There are two primary ways Canadians are protected from discrimination at the federal level, the charter of rights and freedoms and the Canadian Human Rights Act. Bill C-33 amends the human rights act by adding the words sexual orientation as well as a preamble to the act.

The purpose of this act is to prohibit discrimination in employment, housing and the provision of goods and services in federally regulated businesses. The act lists grounds or characteristics of discrimination that are against the law.

For two weeks I have been struggling with this bill. I have listened to many debates and I have asked many questions. Since I have no legal background, I must trust the judgment of those who do.

I was quite satisfied last week when the Minister of Justice included the preamble which recognizes the importance of family. However, I have been advised that a preamble preceding the body of legislation carries no weight in a court judgment. Therefore the preamble does not provide the level of confidence in the legislation I had hoped for.

In no way do I endorse discrimination. It is my belief that the human dignity and respect of all people goes far beyond the level of debate we can bring to the House.

I also believe no one has the right to judge the beliefs or lifestyle of another. A Canadian is a Canadian regardless of race, religion, gender, language or sexual orientation. They should be treated with the dignity and respect that all people deserve.

• (1620)

Last Saturday I spoke at an event to promote racial unity held in Truro. In my constituency office in a very prominent place over my desk hangs an award presented by the local Baha'i community. It acknowledges my efforts to promote racial unity and the oneness of mankind. I value that plaque as the greatest recognition ever bestowed on me.

A modern multicultural country like Canada, the best country in the world in which to live, has no need for lists or categories that prohibit discrimination. It is my belief that Canada needs a new

human rights act, an act which states that discrimination will not be tolerated in Canada and that every person is equal under the law.

Lists are a thing of the past. They take us back to the 1960s and 1970s. Lists themselves inadvertently create discrimination.

Already I have constituents asking me to include more words in the list, words such as poverty. Is there anyone who would vote against discrimination because a child is poor? I think not. I have constituents who would feel more confident about the human rights act if we added the words HIV positive to the list as a prohibited ground for discrimination.

This country has progressed far beyond the need for lists. Lists are never ending. As most people assume, a human rights act must protect everyone. It must be all inclusive, something that a list or a category will never be. Categorizing Canadians and pitting one group against another will not protect citizens against discrimination but will instead promote divisiveness, anger and resentment.

We must work toward better legislation that encompasses all citizens equally and ensures individuals are judged on their merits and not by the colour of their skin or their sexual orientation.

My riding of Cumberland—Colchester is a large rural riding in northern Nova Scotia. Four Fathers of Confederation were from this area; some claim five because an extra one lived there sometime. The constituents in this riding have expressed their views on virtually every piece of legislation before the House, and Bill C-33 is no exception.

In their first breath, many constituents tell me there should be no discrimination against anyone for any reason. In their second breath, they tell me all legislation must protect traditional family values. I am the only voice these taxpayers have. There is no paid lobby group representing them and very few of them belong to a national organization with political influence.

I was elected by these people who have reservations that with the passage of Bill C-33 their traditional family values will be eroded. There is a fear that courts in the future may interpret Bill C-33 differently from what is intended today.

It is naive to believe this legislation will not be tested by the courts to define broader implications of the words sexual orientation. The fear is that sexual orientation, to be included in the act as a prohibited ground of discrimination, will be used by the courts to alter the traditional meaning of family.

A new human rights act which would clearly protect every person from discrimination yet leave no room for broad interpretation by the courts would be more appropriate legislation at this time.

I praise the Prime Minister for his wisdom, for his love of this country and for his immense capacity to care about people. He has

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given his team a free vote on this bill. He understands the diverse geography of Canada as well as the diversity of its people. Because he has great confidence in the future of the country and because of his great respect for the dignity of all people, he is deserving of the respect I give to him in the House today.

In the final hour of this debate, because this legislation is not constructed in a manner that serves society without creating mistrust and fear, I cannot endorse it.

• (1625)

[*Translation*]

Mr. Dan McTeague (Ontario, Lib.): Mr. Speaker, I have a few very short questions. I would like to congratulate the hon. member from Nova Scotia who just spoke.

I think that her comments and the way she came to the conclusion that she should not support this bill reflect very well the concerns most Canadians have.

[*English*]

The recognition that the bill has only had 10 days to be deliberated on, the recognition that there seems to be day in, day out new evidence which demonstrates the bill is more than simply an honourable question of removing discrimination begs the question that the legislation may at some point open the door to something which very few members of Parliament would support.

Would the hon. member agree with the position taken by the Canadian Conference of Catholic Bishops? Its members are puzzled by the justice minister's presentation at second reading that somehow the Catholic church supports the bill.

Could she comment on the statement that they are generally concerned that a major redefinition of spouse and marital status may result from an otherwise worthy initiative aimed at protecting individuals who have historically suffered unjust discrimination?

If there is to be such a massive social reconfiguration and change in public policy, it should happen only after widespread and meaningful consultation.

Will the hon. member respond to what the bishops have had to say about this matter?

Mrs. Brushett: Mr. Speaker, I am here to consider legislation. The church has a role in society and we as members of Parliament have been elected to serve all people in the country as fairly and with as much human dignity as possible. I prefer not to comment on the question because it is not part of my decision.

My decision was to look at the legislation, to see its value to society, to all people. I have a deep sense in my heart. I want to vote for the bill because I do not want to see discrimination. At the same time, I do not want to be part of legislation which I feel is not

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progressive, not part of what will take this great country into the 21st century.

I have been before young people in high schools. They are so wise, as most young people across the country are. They think this legislation is almost obsolete at a time when our country is moving forward. We are all people in this great multicultural country with race and language differences. This is Canada. Let us speak for all people.

Mrs. Sue Barnes (Parliamentary Secretary to Minister of National Revenue, Lib.): Mr. Speaker, it is with a sense of great responsibility that I speak at third reading of Bill C-33, an act to amend the Canadian Human Rights Act.

The bill amends the act to include sexual orientation among prohibited grounds of discrimination. Gay and lesbian Canadians will be protected from discrimination in the provision of goods and services by the federal government and by federally regulated businesses such as banks and airlines. Canadians working in all areas of federal jurisdiction will henceforth be protected from homophobia in the workplace.

Bill C-33 covers all sexual orientations, including heterosexuality and bisexuality. However, it is fair to say that discrimination in Canada is other than against heterosexuals.

I became actively involved in federal politics in the late 1970s and this issue has been part of my understanding of the protection of minorities throughout my entire political career.

In 1977 Quebec led Canadian provinces in being the first to prohibit discrimination on the basis of sexual orientation. In 1978 the Liberal Party of Canada resolved to make the same amendment to the Canadian Human Rights Act. In 1979 and every year since the Canadian Human Rights Commission has recommended that this amendment be passed.

In 1985 an all-party committee of the House unanimously endorsed the amendment which affirmed the will of Canadians to see justice done in this matter. One after the other, provinces were amending their own human rights laws to include sexual orientation. Now eight provinces and territories provide this protection to their citizens.

• (1630)

In 1995 a unanimous Supreme Court of Canada ruled that the equality guarantees in the Canadian Charter of Rights and Freedoms extend to sexual orientation. Ontario's highest court had held in 1992 that the Canadian Human Rights Act was unconstitutional because it did not expressly include sexual orientation. Since then, the act has been deemed to include those words. And so the government is acting now to make the declared law explicit.

That is the legal and political history of an important period in the advancement of human rights in this country. But there is a parallel history, a social and deeply personal one for many Canadians which has accompanied this legislative progress. It is a history of increasing tolerance, founded in understanding, in humble recognition of our differences, in simple neighbourliness, decency and dignity.

As Canadians, we are blessed to live in one of the most tolerant and peaceful societies on earth. Who in Canada is not proud of the free, open and inclusive society we have built for ourselves? Still every day we witness bias, violence and prejudice. We read about it in the newspapers and view it on the television. Too many Canadians in all walks of life have suffered it firsthand, sometimes in subtle ways and other times in ways that are not subtle in the least, but coarse, insulting and demeaning.

As a parliamentarian I meet many people, many very good people so that when I suddenly hear bigoted words being voiced, I can only shake my head in sadness and wonder where they come from. My own view is that they are born of ignorance and that close cousin of ignorance, fear.

I find this view confirmed by the studies of Canadian attitudes toward gay men and lesbians. In a national Angus Reid poll conducted in 1993 fully two-thirds of Canadians supported amending the act to include sexual orientation. In 1994, Angus Reid examined Canadian public opinion regarding workplace discrimination. I was pleased to find evidence there of Canadians' profound understanding of the prejudice gay men and lesbians have to live with every day.

A couple of weeks ago another poll confirmed that 60 per cent of Canadians supported the amendment. There has never been a published poll showing that a majority of Canadians oppose such an amendment.

Let me put these numbers on the record because I think they are important. Eight out of 10 Canadians believe that gay men and lesbians encounter discrimination in the workplace and 4 out of 10 describe this discrimination as substantial. Typically, Canadians see this discrimination take the form of both personal hostility and damage to the victim's career. Happily one of two Canadians say that if they witnessed workplace discrimination of this kind they would speak out on behalf of the victim. In our personal relationships, every third Canadian has a gay or lesbian friend, one in four of us work with gay people, and one in ten enjoy their love and companionship as family members.

When we see these numbers we should remember that many gay men and lesbians often feel bound to conceal their sexual orientation in order to protect themselves from the very real possibility of insult and injury.

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In summary, the Angus Reid report states that 57 per cent of Canadians have at least one gay or lesbian friend, family member or colleague. It concludes that the most supportive attitudes are exhibited by those segments of the population who are relatively more likely to have a homosexual friend, co-worker or family member.

In the second reading debate on this bill a member of the Reform Party asked whether Bill C-33 would express the wishes of a fully informed Canadian public. I submit that the Angus Reid report, which the bill's opponents have studiously ignored, answers the member's question. The report proves that Canadians are already well informed about the discrimination which gay men and lesbians experience every day. It is precisely those Canadians, those who have the best and most direct information possible, who are the most supportive of this amendment.

As I said last week in the House, we are speaking here of our brothers and sisters, our sons and daughters, our neighbours and our friends. Will those members who oppose this bill stand between Canadians and the anxious concern they feel for their fellow Canadians? Will they discount the tolerance and understanding that follow from personal knowledge of the people whom this amendment will benefit?

I reiterate, nearly all Canadian provinces have already enacted such legislation as have Australia, New Zealand, Denmark, France, Germany, The Netherlands and South Africa. Can this bill's opponents point to the dire consequences that have followed? They cannot.

• (1635)

Furthermore, the European community passed formal resolutions in 1994 calling for its member states to end discrimination based on sexual orientation. The United Nations human rights committee, the foremost monitor of human rights in the world, supports the inclusion of sexual orientation as a prohibited ground. The world has always looked to and respected Canada for its leadership on and protection of human rights.

The homophobia that has marred societies for centuries is being recognized for what it is: a pointless and vicious injustice.

In my own province, Ontario, the provincial human rights law has contained this protection for over 10 years and the sky has not fallen.

Some of the bill's opponents advocate stripping the act of the characteristics which it presently lists: race, national or ethnic origin, gender, colour, religion and so forth. They claim that this enumeration creates specially privileged minorities. It is bad logic and it is bad law. I also find it extremely disrespectful of the tragic historic realities that inspired the creation of human rights legislation everywhere. Behind that list, which they disparage, there stand millions of human beings who had those characteristics and who suffered bitterly for them.

To the member of the third party who asks: "When will the additions to the list end?" I say: "When will discrimination and injustice end?"

The courts have already said that the act includes protection for sexual orientation. Why not just leave it alone? Because here lies our parliamentary responsibility and accountability. Fundamental principles of equality must be articulated and clarified. This is not simply a matter of jurists knowing the rules. At the level of fundamental principles it is a matter of declaring in our own statutes, easily accessible to all Canadians, the ethical basis on which we found our society.

In this debate we have been reminded of the high proportion of gay and lesbian youth among the homeless on the streets of our large cities. What contributes to this? Arguably the abuse and rejection within their own families, the alienation from their peers, the heightened rates of suicide and substance abuse. There are studies which relate up to one-third of all teen suicide to sexual orientation conflict, a shocking and tragic toll.

A great fuss has been made about the possibility of the extension of same sex benefits flowing from this amendment, but the fact is that these benefits are already extended without compulsion of law. With little fuss, hundreds of Canadian organizations, large and small, have extended same sex benefits to their employees. In my riding of London West I can cite the examples of the London Life Insurance Company, the University of Western Ontario, the London Health Sciences Centre, the Toronto-Dominion Bank, the Bank of Nova Scotia, the Royal Bank, the Bank of Montreal, Fanshawe College, Canada Trust and the list goes on. Across the nation, hospitals, universities, colleges, municipalities, public utilities, community and social service organizations, private business, newspapers, crown corporations and churches have taken the step.

The government promised to work to safeguard and advance the nation's prosperity and security. Putting an end to the prejudice and violence which gay men and lesbians have long suffered is integral to that design and it has acted. Any sexual orientation should not be grounds for discrimination.

There is more at stake than the need to curtail long established habits of fear and discrimination against our fellow citizens, although that must be our first goal. Make no mistake, a failure to pass this amendment will help to entrench intolerance.

By repudiating—

The Deputy Speaker: I am sorry. The member's time has expired.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I always thought that Parliament was here to lead and manage the country and demonstrate how we should move forward. However, the tone of the member's speech was that this House is following the court of Ontario which thinks it has written into our laws that sexual orientation is part of the Canadian Human Rights Act. Then she

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went on to say how it has been done in other countries and how we have to follow. That is hardly what I would call leadership.

I would like to bring one point out quite clearly. There is another court in this country which is the appeal court of the province of Alberta. It is the highest court in that province. It is equal in jurisdiction to the court in Ontario to which the hon. member referred. It is one step below the supreme court of this country. It quite clearly said in a well-reasoned 86-page judgment it brought down two months ago that it is not the role of the courts to make law. There is one line in that long and well reasoned judgement to which all courts of the land should take heed. It stated that if the judiciary wants to privateer in the parliamentary ceiling it does so at its own risk. From there it went on to explain and expound the fact that the courts have no right to add and write into the law.

• (1640)

I would like to point out to the member who has just spoken that if she thinks that she draws the strength of her arguments from the fact that a court in Ontario said it should be written into the law, may I tell her quite explicitly and categorically that there is another court in this land that holds an opposite opinion.

I would suggest that the judgment by that court be debated and discussed in this House and given the attention that it merits before the government thinks it should introduce and pass this law.

Mrs. Barnes: Mr. Speaker, I want to respond to this question. I respect the opinions of other people in this House, but I am a lawyer by profession and the Vriend decision in Alberta recently added ambiguity at a court of appeal level.

The Ontario Court of Appeal in the Haig case did lead this court and did change the law. It ostensibly changed this as of 1992. That is when the federal human rights commission changed.

In May of last year, the Egan and Nesbitt decision in the Supreme Court of Canada said that what we are talking about today is to be included at the federal level.

I am saying to this member, this is why we are here. A person should not have to look to the courts. What we are doing here is changing the basic nature. We are saying that discrimination in the workplace, discrimination in services is wrong.

This is a statute, anti-discrimination. It is necessary because there are elements in our society, as the third party well knows, that would not have us do this. They think that it is okay. It is not okay.

I want to finish my speech and I will use this question—

The Deputy Speaker: Is there unanimous consent for the member to finish her speech?

Some hon. members: Agreed.

An hon. member: No.

The Deputy Speaker: It is my duty under our standing orders to inform the House that the question to be raised tonight at the time of adjournment is as follows: the hon. member for Mackenzie—Railways.

I have received notice from the hon. member for Glengarry—Prescott—Russell that he is unable to move his motion during private members' hour on Friday.

[*Translation*]

Since it is not possible to trade places on the order of precedence, I ask the Clerk to drop this order to the bottom of the order of precedence on the Order Paper.

[*English*]

Private members' hour will thus be cancelled and the House will continue with the business before it prior to private member's hour.

Mr. Speaker (Lethbridge): Mr. Speaker, on a point of order, the member for London West has two paragraphs to complete. Someone in our assembly said go, and I think you understood it as no.

I would like you to ask for unanimous consent for her to conclude her speech.

The Deputy Speaker: The no did not come from that side of the House.

Some hon. members: Oh, oh.

Mr. Wappel: Mr. Speaker, I rise on a point of order. I said no. The reason I said no was because the same request was made in reference to me yesterday. The hon. member for Winnipeg—St. James said no. However I withdraw my no, if the rest of the House agrees.

Mrs. Barnes: Mr. Speaker, thank you very much to the members in the House.

By repudiating discrimination against gay men and lesbians we extend a hand to those who have suffered, and acknowledge the contributions of others who have risen above prejudice to enrich their own lives and those around them.

Respectful of all my colleagues in this House, I call on them now to look deeply into their hearts with knowledge and understanding in their minds when casting their vote on this fundamental human rights issue, a bill truly worthy of their support. I thank hon. members all over this House for my ability to ask my prayer for them.

• (1645)

Mr. Harvard: Mr. Speaker, I want to make it clear that when I denied unanimous consent yesterday it was on a request to speak on

a motion twice. It had nothing to do with extending the time for a speech. It was only on the request to speak twice on the same motion.

Mr. Preston Manning (Calgary Southwest, Ref.): Mr. Speaker, we would not want to foster disunity in the government benches so I will proceed.

I rise to participate in the closing debate on the government's Bill C-33. In preparation for this debate my reading has included most of the speeches made by members on both sides of the House. I want to commend members for the sincerity and quality of their contributions. I particularly want to thank the members for Port Moody—Coquitlam and Edmonton Southwest for co-ordinating Reform's analysis of the bill and for the amendments that they have put forward to address its defects.

As debate winds down there is little I or anyone else can add at this stage to the discussion of the details of the bill. Therefore, I would like to focus on the bigger picture starting with its intent.

Discrimination has its roots in prejudice, in the tendency of the human heart to prejudge others on the basis of appearances or unfair or unreasonable criteria. A prejudice becomes discrimination when it expresses itself verbally in particular decisions or acts, including hiring and firing and providing or withholding services on the basis of prejudice or unfair or unreasonable criteria.

I therefore wish to make clear at the outset that Reform supports the noble intention of this bill. We fervently desire, as do all members, a society free from prejudice and discrimination. Our commitment to this intention comes from two sources, from the Canadian people whom we endeavour to represent in this Chamber and from the principles of our party itself.

The foremost among the attributes that Canadians want reflected in our political leaders and institutions are integrity, accountability, freedom, equality and tolerance of differences. These are fundamental to the aspirations of Canadians to be one of the world's most democratic, just and pluralistic societies.

The principles of the Reform Party are equally clear on this subject. Our party affirms the equality of all Canadians in law, the fundamental importance of the individual and the right of individuals to be different from one another. Our party affirms the right of Canadians to be free from discrimination, hate mongering and intolerance on any basis.

It is because statements by several of our own members this week cast doubt on these commitments that I have had to take some extraordinary steps to reassure Canadians of our commitment. It is not all right for employers to fire an employee simply because an intolerant customer complains about their colour or lifestyle. It is not all right to justify and explain away discrimination or to imply that some Canadians have invited discrimination against themselves. These views are not consistent with the broad values of

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Canadians, with the broad values of Reformers or with the principles of the Reform Party, and I want that on record.

That being the case, why do the majority of Reformers oppose this bill in principle? It is first and foremost because we believe that its approach to attacking discrimination is wrong headed and ineffective.

The basic approach to preventing discrimination incorporated in the Canadian Human Rights Act, the act which this bill amends, is to define prohibited grounds of discrimination.

By section 16 of the Canadian Human Rights Act, what started out as categorizations of Canadians simply for the purpose of defining prohibited grounds of discrimination have become special entitlements for groups of disadvantaged individuals defined essentially in terms of their race, ethnic origin, colour, religion, age, sex, et cetera, and if this bill were passed, sexual orientation.

I define this approach to dealing with discrimination and affirmative action as a special status approach. My basic objection to it is that it has not worked well and has some very negative consequences.

For 30 years Liberal governments in particular have taken this approach to combating discrimination. However, there is still all kinds of discrimination in this country, including systemic discrimination practised by the state under statutes like the Indian Act. One of the unfortunate side effects of this approach is that it requires and fosters this divisive categorization of Canadians to which I have referred.

• (1650)

Reformers want to explore. We do not profess to have all the answers but we want the justice department, the courts and this Parliament to explore whether or not there is a better approach to protecting minorities from discrimination and to providing special help to disadvantaged Canadians.

The approach we want explored is one that would base the entitlement to special help and protection not on personal characteristics or membership in a special group, but simply on the naked fact that those people are Canadians period, entitled to equality before the law. This is an equality approach to affirming rights and preventing discrimination. Its chief advocate in the federal field is the Reform Party of Canada. In my judgment it will lead to higher ground and better results than the tired old Liberal approach to dealing with discrimination, aboriginal policy, multicultural policy and national unity on the basis of special status.

Hon. members should ask: How do you protect someone from discrimination, let us say, in housing and accommodation, on the basis of equality rather than special status? This is the question Parliament should have been addressing in reference to this bill and has not. I would be pleased to enlarge on our answer to that question in questions and comments if someone would like to put

Government Orders

it. How do you protect someone from discrimination? My time is short so I will come back to that in questions and comments.

There is a second fundamental reason for having grave reservations about this bill and its implications. It is a reason that has been expressed by many on both sides of the House and that is its potential impact on the traditional family. Reform is committed by its founding principles to strengthening and protecting the family unit as essential to the well-being of individuals and society.

If Reformers and Canadians believed that this bill was a simple amendment to the Canadian Human Rights Act with no future implications for the family, that is, if we could believe that it provides no grounds for the courts or the government to change the definition of the family, or to provide state sanction of same sex marriages, or the extension of spousal benefits to same sex couples, we would still oppose the bill but mainly on the grounds I have previously outlined. If however this bill is the first step toward these other changes in the status of the family or entitlement to benefits, then we and I believe the vast majority of Canadians do not want to start down that slippery slope.

I am well aware the minister has tried to assure the House that this is a stand alone amendment with no future implications for the family. However his assurances and arguments have failed to convince us that this is the case.

Government members defeated every amendment which would affirm that the inclusion of sexual orientation in the Canadian Human Rights Act would not redefine the terms of marriage, family or spouse in any act of Parliament. Government members defeated every amendment that would prevent follow up to this bill to extend spousal benefits to same sex couples or to include sexual orientation as a ground for affirmative action. The government opposed these amendments even when they were put forward by Liberal members.

The justice department's policy agenda dated March 8, which the justice minister was questioned on in the House yesterday, listed a series of initiatives the department is pursuing. At the top of the list was this amendment to the Canadian Human Rights Act, but right next to it on the list, despite the minister's assurances that there was no connection or progression here, were references to family status, same sex couples and dependent benefits.

The Liberal member for Mississauga South rightly quotes the chairman of the Human Rights Commission, Max Yalden, as saying in his March 1996 report that if we give a benefit to a heterosexual couple and deny it to a same sex couple that is discrimination. This is a statement by the head of the commission that will implement the bill we are discussing today.

The Liberal member for Huron—Bruce rightly quoted Justice Lamer in the 1993 Mossop case speaking for the majority of the Supreme Court of Canada saying that if the Canadian Human Rights Act included sexual orientation he might well conclude that family status includes homosexual couples. This is from the head of the institution that will interpret the bill we are dealing with today.

Representatives of gay rights lobby groups such as EGALE, as pointed out by the member for Medicine Hat, have made it quite clear they regard this amendment simply as the first step toward the building of a whole new set of rights and privileges for their group across the country. There are many members of this House, and I would argue a majority of Canadians, who might view this bill differently if they honestly believed it was simply a stand alone amendment. If they have any grounds for really believing it is the first step down the slippery slope that I have described, they cannot support it.

• (1655)

The bureaucrats who will implement the amendment, the court that will interpret it and the interest groups to whom it will give standing are all out there greasing the slippery slope and making it abundantly clear they intend to send Canada down that slope. When the minister and the government oppose and defeat every amendment designed to prevent that from happening, the minister has given family oriented members of this House a substantive reason to vote against the bill.

Finally, I am pleased that a number of members, including the minister, have seen fit to comment on the inappropriateness of this bill from a religious perspective. We in this House are too inhibited by the current doctrines of political correctness and the dangers of media misinterpretation from speaking frankly on public issues from the perspective of our spiritual values and spiritual experience.

We should remind ourselves that the principle of the separation of church and state, which is essentially an American constitutional principle but one with which most of us would agree, ought not to mean the separation of public people from religious conviction or the separation of religious and spiritual values from considerations of public policy.

I was therefore pleased to hear the justice minister refer openly to his Roman Catholic faith and upbringing, to hear him read from the catechism of his church entitled "Life in Christ" and hear him try to link the principle of this bill to the teachings of Christ. The Minister of Justice perhaps better than anyone in this House knows that any extension of freedom, including freedom from discrimination, is subject, as our Constitution says, to such reasonable limits

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prescribed by law as can be demonstrably justified in a free and democratic society.

The reasonable limit to any freedom, including freedom from discrimination, is the point at which that freedom impinges upon other freedoms guaranteed by the charter. Those of us who in addition to believing in freedom from discrimination also believe in freedom of conscience and religion want to be assured that the enactment of this bill will not infringe upon the freedom of any religious group to express or teach their beliefs the morality or immorality of any sexual activity or relationship, heterosexual or homosexual. That is the function of religion in society. If there is error in religious teaching that should be subject to correction, but subject to the great corrective action of freedom of speech.

The fact that the minister and the majority of his colleagues voted down amendments affirming that including sexual orientation will not affect freedom of religion, expression and association as guaranteed by the charter of rights and freedoms gives members who take these religious freedoms and values seriously another substantive reason for voting against the bill.

In the final analysis I do not believe that the root cause of prejudice in the human heart can be exorcized through legislation, caucus rules or admonitions by leaders. That requires a change of heart which is beyond the reach of this Parliament.

As the justice minister saw fit to conclude his remarks by quoting from his church's catechism and the "Life of Christ", perhaps I could close by quoting from another great authority on the life of Christ, the Apostle Paul, a man who first practised and then worked against the bitter racial and systemic prejudices of his day.

He stated the ideal in these terms: In the Kingdom of Christ there would be neither Greek nor Hebrew, neither racial distinction nor discrimination based on race or religion, neither male nor female, neither bond nor free, but all would be one. The Christian ideal is not only the complete eradication of prejudice and discrimination but the elimination of the very conceptualizations and categorizations, the end of categories, upon which prejudice feeds.

This of course is an ideal which cannot be fully achieved in this world but we can decide whether we press toward it or go in the other direction. This bill in my judgment does not press in that direction and provides another substantive reason for voting against it.

I therefore advise members of the House to defeat this bill on the grounds that it is based on the special status approach to reducing discrimination which does not work well, that it provides inadequate support for the family and freedom of religion and does not further the vision of genuine equality to which the vast majority of Canadians aspire.

• (1700)

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I want to thank the Reform leader for taking the time to participate in this debate. I think it is very nice of him. I feel like asking him two or three questions.

My first question is this: Does he believe that homosexuality is innate or acquired? Second, if one of his colleagues in this House told him he was gay, would the Reform leader allow him to keep his seat? Third, would the Reform leader agree to clarify his position on the highly discriminatory comments made by the hon. member for Macleod, a medical doctor?

[*English*]

Mr. Manning: Mr. Speaker, the simple answer to the member's second question is yes.

The answer to his third question is that the member for Macleod was expressing a medical opinion on the state of health connected with homosexual activity. Other members of the House who are doctors also expressed medical opinions of a different view. That is his right to do so.

On the member's first question, is it innate? I would say it is immaterial to this debate. It is immaterial because the law is not concerned with what a person is. It is concerned with what he or she does. The essence of the principle of equality is that the law is concerned with what people do, not with what people are.

Mr. Peter Thalheimer (Timmins—Chapleau, Lib.): Mr. Speaker, I wonder if the hon. member could assist me.

I am sure he is aware of the Supreme Court of Canada decision in Egan and Nesbitt which says unanimously that sexual orientation is a prohibited ground of discrimination under the equality provision of section 15 of the charter. I am sure he is aware also of the fact that the charter does not apply to private companies and federally regulated industries and that the Canadian Human Rights Act does apply.

How can gays and lesbians be protected in the private sector workplace under the charter if there is no amendment to the Canadian Human Rights Act?

Mr. Manning: Mr. Speaker, the charter of rights and freedoms protects everyone. However, I think the member is missing my point.

I am not talking about not having protection under the Canadian Human Rights Act. I am disagreeing with the approach that is being taken to the provision of protection from discrimination or special help for special groups. I am saying that there is a different approach than this categorization approach which is used in the Canadian Human Rights Act and which is partially mixed up in the charter. There is a different approach based strictly on equality.

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I am arguing that at least the House ought to consider that. I do not think it ever has.

Mr. Gordon Kirkby (Parliamentary Secretary to Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I have a quote here from the hon. member for Lisgar—Marquette, who said: “If we want to look at what homosexuality and permissiveness have done to some countries, let us look at Africa and the problems it has run into. Let us look at Liberia right now. Do we want that type of system? I do not”. This is implying, of course, that homosexuality will lead to civil war.

In addition to that, a Reform member from British Columbia at a public meeting indicated earlier this week when a series of intolerant statements were made, he asked what was the dividing line between China and India and named the Fraser River as the answer.

I wonder if leader of the Reform Party could tell us if he agrees with these statements. If not, will he tell these members what to do.

• (1705)

Mr. Manning: Mr. Speaker, I have made clear what our position is on this issue. The statements to which the member refers are partial quotes from newspaper accounts and do not fully represent what we think.

What I am waiting for the leaders of the government to deal with is the problem of prejudice within their own ranks. We have heard Liberal member after Liberal member in this House, from the Prime Minister on down, proclaim self-righteously how repugnant they find prejudice, the prejudging of others, the condemnation of whole groups of people because of the words or actions of the few. However, we see some of those same members practising in a different way exactly the same thing.

Why is it that the member for Central Nova can make inflammatory statements which, if made by a member of my caucus, would be denounced as prejudice and homophobic by the very same member who raised this question?

The Liberal member for Mississauga South said it best in this debate. He said: “Why is there so much acrimony in this place? Why are people in this place, who were my friends and colleagues”—he is talking about Liberal friends and colleagues—“no longer speaking to me? It is because I have a different position. Why have so many people”—and he is talking about Liberal friends and colleagues—“demonstrated intolerance toward my position?” He is talking about prejudice, not in the Reform caucus but in the Liberal caucus. He is not talking about racial prejudice or gender prejudice, he is talking about political prejudice, but prejudice nonetheless.

Reformers ask the same question. If governments want to stone bigots, let the party which is wholly without prejudice cast the first stone. If the government is so desperately interested in rooting out prejudice of all types, not just the categories defined by political correctness, it must begin with the political prejudices in its own caucus.

Some hon. members: Hear, hear.

Mr. Pat O'Brien (London—Middlesex, Lib.): Mr. Speaker, I want to thank the Prime Minister for his decision to hold a free vote on this contentious bill. His wisdom and integrity in making this correct decision are recognized and appreciated by most Canadians.

For me Bill C-33 is legislation fraught with uncertainty and unacceptable risk. It is hardly a simple, routine and definitive amendment to the Canadian Human Rights Act.

In good conscience I cannot and will not support this bill. I am totally opposed to discrimination against or hatred toward any human being and that is why in all good conscience I supported Bill C-41. That bill extended to individual gay and lesbian Canadians the same protection in law from crimes of hate as that enjoyed by all other Canadians.

If it was absolutely clear and certain that Bill C-33 was only a matter of preventing discrimination I would support it. However, for me, as for many other Canadians, various comments from judges, other experts and the minister himself, do not bring clarity to this debate but rather confusion.

The only certainty is uncertainty. Am I certain that Bill C-33 will lead to same sex benefits, the legalization of so-called same sex marriages and same sex couples adopting wards of the state? No, I am not certain, but more to the point, I am not satisfied that this bill will not lead to these deleterious changes in our society, changes which I as a Canadian and as a member of Parliament can never accept or condone.

What is very clear is that the Canadian gay and lesbian leaders demand that these changes must occur. Well, let them not look to me nor to the majority of Canadians for support of such changes.

• (1710)

This is for me a moral issue and a matter of conscience. I respect the rights of others who see this issue in a different way. I respect their rights. I abhor the fact that respect is not unanimous in this House. However, I disagree with the people who take the other view.

It has been suggested to me that I set aside my own conscience and join the majority of members of Parliament in supporting Bill C-33. To that I say no, Mr. Speaker, emphatically, no.

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In his famous play, "A Man For All Seasons", Robert Bolt has Thomas More say words to this effect when faced with a similar dilemma: "I think that when in the performance of his public duties, a man ignores his private conscience, he leads his country on a short route to chaos".

I reject the invitations to ignore my own conscience. No, I will not ignore what I believe in all sincerity to be true. I must and I do oppose Bill C-33. In doing so I firmly believe that I support a higher good, the traditional heterosexual family.

Much has been made of the fact that for many years several conventions of the Liberal Party have endorsed an amendment to the Canadian Human Rights Act such as that which we debate today. Allow me to remind the House of three relevant facts.

First, the commitment to amend the Canadian Human Rights Act to include sexual orientation was not in the Liberal red book on which our party campaigned and on which we were elected in 1993.

Second, such a commitment was not in the speech from the throne of February 1996 when the government's priorities were enunciated for Canadians.

Third, the Ontario wing of the Liberal Party of Canada at its recent convention in Windsor passed a resolution calling on the Government of Canada to promote and protect the traditional heterosexual family. In my view and that of many Canadians, including Liberals, Bill C-33 is not in the spirit of said resolution.

As my constituents know, I made known publicly my intention to vote against Bill C-33 early on in this important debate. The response from my constituents has been very heavy and overwhelmingly in support of my position. In fact, the ratio of favourable to unfavourable input from my constituents has been ten to one. Any individual or group claiming that Canadians support Bill C-33 could not have consulted with the people of London, Ontario and the surrounding region.

While these people oppose discrimination, as do I, they share my serious concerns that this bill could lead to a series of changes in our society which they find to be completely negative and unacceptable.

Mr. John Williams (St. Albert, Ref.): Mr. Speaker, I noted that the member put great emphasis on the fact that he had received a great amount of mail in support of his position against the bill. I would like to ask him if he feels that type of mail would be indicative of all the mail which MPs are receiving from across the country and that his colleagues would be receiving at this point in time.

Mr. O'Brien (London—Middlesex): Mr. Speaker, I thank my colleague for his question. The simple answer is yes. I feel that very much is the case.

In all honesty I have to say that I think the opinions of Canadians from coast to coast to coast are simply being either misunderstood or misrepresented. I do not believe that if Canadians took a look at the possible ramifications of this bill we would get anywhere near the level of support that the so-called pollsters are saying is there. I simply do not believe that.

The Deputy Speaker: Shall we call it 5.15?

Some hon. members: Agreed.

[*Translation*]

The Deputy Speaker: Pursuant to order made Wednesday, May 8, 1996, it is my duty to interrupt the proceedings and put forthwith every question necessary to complete the third reading stage of the bill now before the House.

[*English*]

The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the amendment will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

(The House divided on the amendment, which was negatived on the following division:)

(*Division No. 75*)

YEAS

Members

Abbott	Ablonczy
Benoit	Bhaduria
Breitkreuz (Yellowhead)	Breitkreuz (Yorkton—Melville)
Bridgman	Brown (Calgary Southeast/Sud-Est)
Cummins	Epp
Forseth	Frazer
Gilmour	Gouk
Grey (Beaver River)	Grubel
Hanger	Hanrahan
Harper (Calgary West/Ouest)	Harper (Simcoe Centre)
Hart	Hayes
Hermanson	Hill (Macleod)
Hill (Prince George—Peace River)	Hoeppner
Kerpan	Manning
Martin (Esquimalt—Juan de Fuca)	Mayfield
McClelland (Edmonton Southwest/Sud-Ouest)	Meredith
Mills (Red Deer)	Morrison
Penson	Ramsay
Ringma	Schmidt
Scott (Skeena)	Silye
Solberg	Speaker
Stinson	Strahl
Thompson	Wayne
White (Fraser Valley West/Ouest)	Williams—48

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NAYS

Members

Adams	Alcock
Allmand	Althouse
Anderson	Assad
Assadourian	Augustine
Axworthy (Saskatoon—Clark's Crossing)	Axworthy (Winnipeg South Centre/Sud-Centre)
Bachand	Bakopanos
Barnes	Beaumier
Bélaïr	Bélangier
Bellehumeur	Bergeron
Bernier (Beauce)	Bernier (Gaspé)
Bertrand	Bevilacqua
Blaikie	Blondin-Andrew
Bodnar	Bonin
Boudria	Brien
Brown (Oakville—Milton)	Brushett
Bryden	Byrne
Caccia	Campbell
Canuel	Catterall
Cauchon	Chamberlain
Charest	Chrétien (Saint-Maurice)
Clancy	Cohen
Cowling	Crawford
Culbert	Cullen
Dalphond-Guiral	Daviault
DeVillers	Dhaliwal
Discepolo	Dromisky
Dubé	Duceppe
Duhamel	Dumas
Dupuy	Easter
Eggleton	English
Finestone	Finlay
Fontana	Fry
Gaffney	Gagliano
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Gagnon (Québec)
Galloway	Gerrard
Godin	Goodale
Graham	Grose
Harb	Harper (Churchill)
Harvard	Hickey
Hubbard	Ianno
Iftody	Irwin
Jackson	Jacob
Keyes	Kilger (Stormont—Dundas)
Kirkby	Knutson
Kraft Sloan	Lalonde
Langlois	Lastewka
Laurin	LeBlanc (Cape/Cap-Breton Highlands—Canso)
Leroux (Richmond—Wolfe)	Leroux (Shefford)
Lincoln	Loney
Loubier	MacAulay
MacDonald	MacLellan (Cape/Cap-Breton—The Sydneys)
Maloney	Manley
Marchand	Marleau
Massé	McCormick
McKinnon	McLellan (Edmonton Northwest/Nord-Ouest)
McWhinney	Ménard
Mercier	Mifflin
Milliken	Minna
Mitchell	Murphy
Murray	Nault
Nunez	Pagtakhan
Paré	Parrish
Patry	Peric
Peters	Peterson
Pettigrew	Picard (Drummond)
Pickard (Essex—Kent)	Pillitteri
Plamondon	Pomerleau
Proud	Reed
Regan	Richardson
Rideout	Ringuette-Maltais
Robichaud	Robillard
Robinson	Rock
Sauvageau	Scott (Fredericton—York—Sunbury)
Shepherd	Speller
St. Denis	Stewart (Brant)
Stewart (Northumberland)	Telegdi
Terrana	Thalheimer
Torsney	Tremblay (Lac-Saint-Jean)
Tremblay (Rosemont)	Ur
Valeri	Vanclief
Whelan	Wood
Young	Zed—164

PAIRED MEMBERS

Assadourian	Asselin
Bélisle	Bernier (Mégantic—Compton—Stanstead)
Brushett	Caron
Chrétien (Frontenac)	Collette
Comuzzi	Crête
de Savoye	Debien
Deshaies	Fewchuk
Fillion	Gauthier
Godfrey	Graham
Guay	Guimond
Hopkins	Jordan
Landry	Lavigne (Beauharnois—Salaberry)
Lefebvre	Marchi
Martin (LaSalle—Émard)	Mitchell
Paradis	Phinney
Pillitteri	Rochelleau
Sheridan	St-Laurent
St. Denis	Tremblay (Rimouski—Témiscouata)
Walker	Wells

• (1745)

[Translation]

The Deputy Speaker: I declare the amendment lost.

The next question is on the main motion. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the yeas have it.

And more than five members having risen:

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

(Division No. 76)

YEAS

Members

Adams	Alcock
Allmand	Althouse
Anderson	Assad
Assadourian	Augustine
Axworthy (Saskatoon—Clark's Crossing)	Axworthy (Winnipeg South Centre/Sud-Centre)
Bachand	Bakopanos
Barnes	Beaumier
Bélaïr	Bélangier
Bellehumeur	Bergeron
Bernier (Beauce)	Bernier (Gaspé)
Bertrand	Bevilacqua
Blaikie	Blondin-Andrew
Bodnar	Bonin
Boudria	Brien
Brown (Oakville—Milton)	Byrne
Caccia	Campbell
Canuel	Catterall
Cauchon	Chamberlain
Charest	Chrétien (Saint-Maurice)
Clancy	Cohen
Cowling	Cullen
Dalphond-Guiral	Daviault

Private Members' Business

DeVillers	Dhaliwal	Hoepfner	Hubbard
Discepola	Dromisky	Iftody	Karygiannis
Dubé	Duceppe	Kerpan	Lastewka
Duhamel	Dumas	Manning	Martin (Esquimalt—Juan de Fuca)
Dupuy	Easter	Mayfield	McClelland (Edmonton Southwest/Sud-Ouest)
Eggleton	English	McGuire	McTeague
Finestone	Finlay	Meredith	Mills (Broadview—Greenwood)
Fontana	Fry	Mills (Red Deer)	Morrison
Gaffney	Gagliano	Murray	O'Brien (London—Middlesex)
Gagnon (Bonaventure—Îles-de-la-Madeleine)	Gagnon (Québec)	O'Reilly	Penson
Galloway	Gerrard	Peric	Pillitteri
Godin	Goodale	Ramsay	Ringma
Graham	Grose	Schmidt	Scott (Skeena)
Harb	Harper (Churchill)	Serré	Skoke
Harvard	Hickey	Solberg	Speaker
Ianno	Irwin	Speller	Steckle
Jackson	Jacob	Stinson	Strahl
Keyes	Kilger (Stormont—Dundas)	Szabo	Thompson
Kirkby	Knutson	Ur	Verran
Kraft Sloan	Lalonde	Wappel	Wayne
Langlois	Laurin	White (Fraser Valley West/Ouest)	Williams—76
LeBlanc (Cape/Cap-Breton Highlands—Canso)	Leroux (Richmond—Wolfe)		
Leroux (Shefford)	Lincoln		
Loney	Loubier		
MacAulay	MacDonald	Assadourian	Asselin
MacLellan (Cape/Cap-Breton—The Sydneys)	Maloney	Bélisle	Bernier (Mégantic—Compton—Stanstead)
Manley	Marchand	Brushett	Caron
Marleau	Massé	Chrétien (Frontenac)	Collenette
McCormick	McKinnon	Comuzzi	Crête
McLellan (Edmonton Northwest/Nord-Ouest)	McWhinney	de Savoye	Debien
Ménard	Mercier	Deshaies	Fewchuk
Mifflin	Milliken	Fillion	Gauthier
Minna	Mitchell	Godfrey	Graham
Murphy	Nault	Guay	Guimond
Nunez	Pagtakhan	Hopkins	Jordan
Paré	Parrish	Landry	Lavigne (Beauharnois—Salaberry)
Patry	Peters	Lefebvre	Marchi
Peterson	Pettigrew	Martin (LaSalle—Émard)	Mitchell
Picard (Drummond)	Pickard (Essex—Kent)	Paradis	Phinney
Plamondon	Pomerleau	Pillitteri	Rocheleau
Proud	Reed	Sheridan	St-Laurent
Regan	Richardson	St. Denis	Tremblay (Rimouski—Témiscouata)
Rideout	Ringuette-Maltais	Walker	Wells
Robichaud	Robillard		
Robinson	Rock		
Sauvageau	Scott (Fredericton—York—Sunbury)		
Shepherd	Silye		
St. Denis	Stewart (Brant)		
Stewart (Northumberland)	Telegdi		
Terrana	Thalheimer		
Torsney	Tremblay (Lac-Saint-Jean)		
Tremblay (Rosemont)	Valeri		
Vanclief	Whelan		
Wood	Young		
Zed—153			

PAIRED MEMBERS

Assadourian	Asselin
Bélisle	Bernier (Mégantic—Compton—Stanstead)
Brushett	Caron
Chrétien (Frontenac)	Collenette
Comuzzi	Crête
de Savoye	Debien
Deshaies	Fewchuk
Fillion	Gauthier
Godfrey	Graham
Guay	Guimond
Hopkins	Jordan
Landry	Lavigne (Beauharnois—Salaberry)
Lefebvre	Marchi
Martin (LaSalle—Émard)	Mitchell
Paradis	Phinney
Pillitteri	Rocheleau
Sheridan	St-Laurent
St. Denis	Tremblay (Rimouski—Témiscouata)
Walker	Wells

• (1755)

The Deputy Speaker: I declare the motion carried.

(Motion agreed to, bill read the third time and passed.)

PRIVATE MEMBERS' BUSINESS

• (1800)

[English]

IMMIGRATION CONSULTANTS

Mr. John Cannis (Scarborough Centre, Lib.) moved:

That, in the opinion of this House, the government should work and consult with the provinces to develop legislation which would set guidelines and licensing regulations to govern the business of immigration consultants.

He said: Mr. Speaker, I begin by thanking members on both sides of the House who have indicated they would support my motion. I greatly appreciate their support. I urge all members of the House to consider supporting this well founded initiative.

NAYS

Members

Abbott	Ablonczy
Benoit	Bhaduria
Breitkreuz (Yellowhead)	Breitkreuz (Yorkton—Melville)
Bridgman	Brown (Calgary Southeast/Sud-Est)
Brushett	Bryden
Calder	Cannis
Collins	Comuzzi
Crawford	Culbert
Cummins	Epp
Forseth	Frazer
Gilmour	Gouk
Grey (Beaver River)	Grubel
Guarnieri	Hanger
Hanrahan	Harper (Calgary West/Ouest)
Harper (Simcoe Centre)	Hart
Hayes	Hermanson
Hill (Macleod)	Hill (Prince George—Peace River)

Private Members' Business

Motion No. 29 is the first step in rectifying a problem which has existed for well over 20 years not only in Canada but outside the country. The problem is the complete lack of regulations governing immigration consultancy.

I will provide some background to those who may be unfamiliar with the immigration consultancy industry. Consultants provide assistance to immigrants, sponsor refugees and so on, on a variety of immigration matters. The services provided can range from simple advice such as how to fill out forms to arranging business ventures to meet business immigration requirements, to representing individuals before immigration tribunals.

Many consultants are former employees of the Department of Citizenship and Immigration or translators who worked on the Immigration and Refugee Board. There are even some former members of Parliament in the industry. A number of these consultants hold law degrees from their home country but are not licensed to practise in Canada.

Not all individuals operating in this industry are without ethics or morals. However, there are a number of immigration consultants who agree, as do I, that it is time to set up guidelines and licensing procedures in this industry.

The Organization of Professional Immigration Consultants, based in Toronto, represents a number of immigration consultants striving to promote an industry which demonstrates a high standard of integrity and competence. To this end they have appeared before the Standing Committee on Citizenship and Immigration to present their case. They stated their members do not represent the problem. The problem is with the people acting unscrupulously and illegally. These people are the ones who have been injurious to their clients and to the reputation of the government and the immigration profession at large.

I have heard various complaints from constituents and friends about immigration consultants. These complaints involve the incompetent delivery of services or incomplete non-performance. Other complaints involve exuberant fees charged to individuals. The worst complaints involve the absolute unrealistic promises made by certain consultants. These complaints amount to unethical behaviour and constitute outright fraud under the Criminal Code and the Immigration Act.

All one has to do to see evidence of unethical behaviour on the part of certain immigration consultants is read local newspapers. A Mississauga woman, posing as a lawyer specializing in immigration, defrauded her clients of upwards of \$8,600. It was later reported she may have victimized up to 65 people who responded to her newspaper advertisements. She reportedly took down payments to represent individuals but never did any of the work as promised.

In other cases, a man working as an immigration consultant provided numerous clients with falsified letters of employment.

People seeking to come to Canada receive additional consideration if they can prove they have a full time job waiting for them in Canada. This immigration consultant falsified documents and aided people in making false statements at immigration hearings outside the country.

This case highlights the increasing problem of unscrupulous immigration consultants operating abroad. One of the major problems we have today in the immigration industry is these people operating abroad and unfortunately causing problems in Canada.

• (1805)

When immigration or refugee claimants are counselled to lie and to cheat to achieve their goals, the integrity of the whole immigration system is being undermined.

At a time when public support for immigration process is at an all time low, this type of behaviour cannot and should not be tolerated. It is time to put in place strict guidelines to govern this industry.

The ninth report of the Standing Committee on Citizenship and Immigration supports the licensing and regulating of this industry, as do the law societies of Upper Canada and British Columbia.

The Law Society of British Columbia has stated that it is gravely concerned about the harm being done to immigration applicants by unscrupulous or incompetent consultants. British Columbia's attorney general has supported the committee's recommendation: "I think it is an idea that is long overdue".

The committee heard testimony that many immigration consultants have no test for competency for the practice, no code of conduct, no negligence insurance, no disciplinary procedures and no compensation funds for defrauded victims.

More important, there are no academic or experience requirements. Basically anyone can hang out a shingle in this industry. The immigration committee heard testimony that an immigration lawyer disbarred from the practice one day could conceivably set up shop as an immigration consultant the very next day. Unbelievable.

The number of immigration consultants acting without ethics or morals and taking advantage of vulnerable individuals is increasing at an alarming rate. I find the action of these consultants especially contemptuous. These consultants prey on unsuspecting vulnerable individuals who are in genuine need of help. The consultants may seem very knowledgeable to the individuals, a so-called Fred if you will, who will help them through the door. The promise they make sounds too good to be true, and often it is not true.

Because of the nature of immigration matters, the stakes can be very high. An individual or family could see this as their only hope. They are willing to pay large sums of money, sometimes their entire life savings, to achieve this goal. The unscrupulous consultants are very willing to take their money. Unfortunately the

majority of these consultants make promises knowing full well they cannot deliver.

Take the cases reported in Russia. Several consultants were charging \$5,000 U.S. to assist individuals with their immigration matters. They made promises that their applications would be successful, knowing very well these individuals had no chance of ever being approved.

Not only were these consultants misleading honest individuals who only wanted to find a better life, they were knowingly assisting criminals who saw an opportunity in our country to increase their illegal empires. They would arrange their applications with all the right answers as well as set them up with business ventures in Canada, increasing their likelihood of getting a foot in the door.

All this action by unethical consultants impacts the ability of the Canadian immigration system to operate successfully and properly.

The immigration committee put forth many recommendations for the industry of immigration consultants. First and foremost were the immigration consultants to be licensed and regulated. The only thing left to decide is who should be overseeing the licensing of this industry.

Seeing that the committee concluded it would not be responsible or feasible to recommend the federal government set up a body to govern these consultants, where does that leave us? Either we approach the provinces to act on this or we allow the industry to be self-regulated. Unfortunately the provinces have been slow to act in this regard to immigration consultants.

Ontario has examined this issue in the past but unfortunately has declined to act on it. At present the provinces are investigating the option of licensing immigration consultants even though many believe now is the time to act.

I feel with the appropriate pressure and recommendations from the federal government and from the industry, the province may feel and be inclined to act on this issue immediately.

This is what I hope to achieve with this motion, to send a strong signal that we must take action today because it is necessary. The provinces have achieved jurisdiction over regulating various professions and trades to date but have been lax in this specific area, unfortunately

• (1810)

Failing action by the province, the only option left in this case is to have the industry regulate itself. A number of organizations now exist in Canada. The Organization of Professional Immigration Consultants is one. It has over 150 volunteer members in Ontario and British Columbia. It has also been asking for years for

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guidelines and licensing procedures to be put in place. It sees the need, the committee has recognized the need and our constituents have recognized the need also.

The organization fears the irresponsible actions of these few individuals acting improperly have certainly put a damper on the industry and its reputation. It would more than welcome strengthening rules and regulations being brought to this specific industry.

The Organization of Professional Immigration Consultants in Canada has its own code of ethics and rules and regulations, and members must abide by these rules.

As stated earlier, this is only a voluntary organization. Members join because they want to, not because they are required to. It would be irresponsible to think consultants who behave unethically would be willing to join this organization.

We need to urge the provinces to work with the federal government and these organizations to develop guidelines. The individuals who are registered with the organization would be able to operate within legal boundaries, within specific guidelines.

Why not mould the system after provincial law societies or the College of Physicians and Surgeons? These are systems in place now which work. They have specific rules and guidelines which govern their members in accordance with provincial laws. Individuals cannot operate in either of these industries without being members of the appropriate organization.

I was a human resource consultant prior to entering public life. I operated a business in Ontario and was required to be licensed by a governing body. I had to follow strict guidelines and regulations while in operation. In addition, I had to pay an annual fee to make sure I operated within the guidelines of the organization and the province. My clients had the right to register complaints with the appropriate body if they felt they had not been served to the best of my ability.

Why does this not apply to immigration consultants? I was constantly required to update my knowledge with appropriate courses available through various government or academic institutions. Again, this is not necessary for immigration consultants. I do not understand why.

Why are there no set fees so that when individuals approach these consultants they know up front what the costs will be? I am really saying let us make the system transparent.

I am only repeating questions which have been continuously asked of me by my constituents and friends. I have heard numerous tragic stories about individuals being taken advantage of by these consultants, stories of families being torn apart and of thousands of dollars lost. Unfortunately by the time these individuals come to

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me it is too late for me to do anything. Sadly I have seen many instances in which the advice these individuals were seeking was so simple that all they had to do to obtain the information was pick up the phone and I am sure officials would have been able to answer their questions at no expense.

A few suggestions I would make are basically that individuals wishing to operate as immigration consultants be required to pay an annual fee and register under a governing body. The individual should be required to undertake training and/or complete appropriate examinations to prove he or she is competent and able to carry out the duties of an immigration consultant. Once becoming an immigration consultant an individual must answer for his or her actions to the governing body. These suggestions seem reasonable.

I also commend the Standing Committee on Citizenship and Immigration for its work on this specific issue. Its recommendations were long awaited. All we simply have to do now is act on them.

• (1815)

I am happy to report that just last week the Minister of Citizenship and Immigration released a response to the committee's report on immigration consultants. The minister very much supported many of the committee's recommendations, in particular the one recommending that the federal government work with the provinces on this issue.

The minister's response stated that the federal government will develop a comprehensive strategy to deal with this very serious issue. The response suggests that a consultative process be undertaken with the province and relevant organizations to explore the prospect of a self-regulating immigration consultancy industry.

Surely after all of these recommendations the provinces will see fit to act and act immediately. If not, we as a federal government and as representatives of our constituencies have a responsibility to work to bring about some type of regulatory process for this industry. Canada's good name and reputation depends on it. The integrity of the immigration process also depends on it. We can no longer allow this ongoing abuse of our immigration system to continue.

Yes, our country was built on immigration but with rules and policies set for and by this country based on this country's needs and commitments, not abused by what some money hungry immigration consultants say and do. One of the biggest problems we have found is people working abroad as immigration consultants who prepare these individuals who want to come to Canada. They mislead our officials here and when individuals submit their applications it is very difficult for our immigration officials not to accept them. We have to address that issue as well.

Today I am saying, and I speak on behalf of my constituents in Scarborough Centre and most of the people I have spoken with agree, that we have to address this issue. Unless we act now the situation can and will get worse.

I urge all members of the House to support this motion. I believe it will help get our immigration system on track where it should be.

[*Translation*]

Mr. Osvaldo Nunez (Bourassa, BQ): Mr. Speaker, I am pleased to take part in the debate on Motion M-29 presented February 27, 1996 by the member for Scarborough Centre, which reads as follows:

That, in the opinion of this House, the government should work and consult with the provinces to develop legislation which would set guidelines and licensing regulations to govern the business of immigration consultants.

I would like to congratulate the hon. member on this initiative, which gives us an opportunity to look at a serious problem in the field of immigration, the absence of regulations governing the business of immigration consultants.

I am in agreement with my colleague's general objective. I am not, however, in agreement with the wording as it stands, and for that reason I will propose an amendment later on.

The Standing Committee on Citizenship and Immigration, of which I am a vice-chairman, held consultations on this topic and tabled a report in this House in December, 1995.

Immigration consultants are people who are not members of a Bar, but who, for a fee, advise or represent people on immigration matters. They are not subject to any criterion of competence in the performance of their duties. They have no code of ethics, no malpractice insurance, no compensation fund for victims of fraud, no complaint mechanism, no disciplinary procedure for unethical behaviour or incompetence, and no education or experience requirements.

It must be pointed out that not all immigration consultants are incompetent or unscrupulous. Many of them are reliable, trustworthy individuals who serve their clients well. They provide valuable assistance to immigrants and refugees. They represent people before immigration tribunals, either at inquiries before adjudicators or at hearings before the Immigration and Refugee Board.

• (1820)

I am in favour of this motion's objective. We must recognize that there are significant problems related to the practice of immigra-

tion consultants and that some of them abuse the precarious situation in which their clients find themselves.

Their immigrant clientele must be protected. A number of measures are possible to ensure this. The standing committee, moreover, has recommended that these measures be adopted by the government. For example: increase the quality and quantity of information available to immigrants on the immigration process; publicize free services available to immigrants; warn immigrants against certain practices; publish a scale of reasonable rates for basic services; provide information abroad in the local language; advise applicants in their own language that their case will not be processed more quickly because they have used the services of a consultant; advise immigrants who have used the services of consultants known to be unscrupulous to refuse these people access to Canadian offices abroad.

Until now, the only section in the Immigration Act dealing with consultants is section 30, which reads as follows: "Every person with respect to whom an inquiry is to be held shall be informed that that person has the right to obtain the services of a barrister, solicitor or other counsel and to be represented by counsel at the inquiry and shall be given a reasonable opportunity, if that person so desires and at his own expense, to obtain counsel".

We wonder whether this section would not make it possible to question the validity of a regulation limiting access to counsel of one's choice. Under paragraph 114(1)(v) of this legislation, which accords the government regulatory power, the majority report of the committee proposes giving professional bodies the authority to regulate immigration consultants appearing as counsel before federal immigration tribunals.

I should point out that the establishment of a professional body for all of Canada under the legal provisions mentioned is not in keeping with provincial jurisdiction over the management of professions. This is why we prepared a dissenting report in 1995 and why today we are submitting an amendment to Motion No. M-29.

We consider that Quebec has proven itself in the area of professional bodies and is capable of determining the relevance of establishing an association of immigration consultants. The professions are governed in Quebec by the Code des professions and by 22 other laws of all sorts. The Quebec professions board has for 20 years managed a system that has unanimous approval, that is effective, that properly protects the public and that, to its credit, is not a financial drain on the government.

The members of the Bloc Québécois put their faith in Quebec practices that have proven their mettle. The Government of Quebec has already gone some distance to managing the practice of immigration consultant. It has established departmental directives and service procedures to guide relations between the government and immigration consultants.

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We recognize, however, that the federal government must first inform and sensitize the provinces to ensure that they are aware that the present situation may lead to abuse of all sorts of a vulnerable clientele. Furthermore, a few unscrupulous consultants tarnish the reputation of the many very professional people.

Second, once the federal government has itself put in place all the measures necessary to better inform immigrants using the services of a consultant, it could contemplate with the provinces the possibility of their creating professional bodies.

The Bloc Québécois supports the motion in principle. However, it considers that the establishment of professional bodies is a provincial matter. It is therefore up to them to act if they deem it appropriate.

Mr. Speaker, I move the following amendment:

That the motion be amended by replacing the words "work and consult with the provinces to develop legislation which would set" with the following:

"inform the provinces of the problems related to the services of immigration consultants and work with them in their development".

• (1825)

The final text would read as follows:

That, in the opinion of this House, the government should inform the provinces of the problems related to the services of immigration consultants and work with them in their development of legislation that would set guidelines and licensing regulations to govern the businesses of immigration consultants.

[English]

Ms. Val Meredith (Surrey—White Rock—South Langley, Ref.): Mr. Speaker, it is my pleasure to speak on this motion.

I sat on the immigration committee which dealt with immigration consultants. It was interesting to hear the testimony from various witnesses. We heard from people who used the services, who saw the need to have immigration consultants and realized the level of commitment that many immigration consultants have. We also heard from witnesses who reported instances showing that there was abuse, that there were consultants who perhaps did not have the necessary skills, that there were consultants who were misrepresenting Canadian law and were putting people's lives in jeopardy by misrepresenting the situation as they found it. We heard of problems which occurred overseas and problems which occurred here in Canada.

One of the things the committee decided was that there was a need for some way to regulate, license and control these consultants to make them accountable. The committee also felt the department of immigration could do some things. For example, it could provide information in people's own languages. It could explain what Canadian law was, what immigration regulations

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were all about, what was required. It could also explain that people did not need to hire a consultant.

In some countries government officials are not considered to be trustworthy and there is a hesitancy by individuals to have government representatives deal with their applications. Therefore, there is a need for immigration consultants. The committee recognized that and recommended that there be some level of licensing and some level of control.

This motion takes it to the next stage by saying that all immigration consultants should be licensed and controlled and that there is a need to enter into negotiations with provinces and the federal government to come up with some means of regulating and licensing these individuals.

In my previous life I was a realtor. I know from experience that provincial boards can be established through provincial legislation. These boards can license and monitor people who provide services to the community. These boards can be self-regulating and self-financing. The membership fees can cover the costs of these organizations. Therefore I do not feel that this motion is being unrealistic.

Medical doctors through their colleges have that kind of control. Lawyers through bar associations have that kind of control. Realtors have that kind of control. There is no reason that immigration consultants could not have the same kind of committee or board structure at the provincial level which would allow this kind of management.

People have asked: Why do we need to have these controls? Why can it not be buyer beware? Why not let the immigrants make the decision as to whom they want to hire? It is fine to put the onus on the consumer to pick the best choice. There is no question about that.

• (1830)

However, we need to offer some protection to people who may have a language problem or who may have a fear of persons in authority. That protection could be offered through a regulatory body at a provincial level which would be self-disciplined, self-regulated and self-financed. I will explain what this kind of board could do.

Not only could the board license individuals, but there could be some kind of testing of the individual's competence to provide the services. It could offer a vehicle for people who complain about the services they acquire from consultants. It could be a place an individual could go if they felt they were charged too much for a service.

The board could establish a proper fee or a fee which would be reasonable for certain kinds of procedures. The board could provide disciplinary measures for those individuals who overstep

the guidelines, who overstep the laws of the land and who misrepresent the Canadian immigration department. This organization could provide the necessary disciplinary action to control people who hold themselves out as immigration consultants.

The board could provide some kind of financial responsibility. It could collect fees from people who want to be immigration consultants. It could distribute educational material. It could distribute changes in legislation to all those who provide the service. In other words, it could act as an administrative body to ensure that people who are acting in that capacity are all operating at the same level, or at least at an acceptable level to the organization.

The motion is not something which is impossible to reach or impossible to establish. I believe there would be a reluctance on the part of the provinces to get involved in this kind of thing. Unfortunately the licensing of businesses does come under provincial jurisdiction. However, if the provinces could understand that they would not be required financially to establish these boards or regulatory bodies they might be more willing to consider this as an option.

The committee found that the federal government could only do this on its own in a limited way. The federal government is not in a position to establish this kind of regulatory body. It can deal only with those tribunals over which it has control.

I believe the motion is sound and reasonable. I have no problem in supporting the hon. member in his effort to deal with this very serious problem in Canada.

[*Translation*]

The Deputy Speaker: The amendment proposed by the member for Bourassa is in order.

[*English*]

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, it is my pleasure to speak to Motion No. 29, proposed by the hon. member for Scarborough Centre. This motion proposes that the government work and consult with the provinces to develop legislation which would set guidelines and licensing regulations to govern the business of immigration consultants.

• (1835)

Immigration consultants can play an important role in the immigration process. They typically provide advice to those immigrants who require specialized advice such as how to invest money in Canada, transfer their businesses to their new home, sponsor their parents or help bring an orphaned relative to Canada. In any of these cases they may want the help of an immigration specialist.

Many new immigrants turn to consultants because they are typically people who have practical experience in the area. They

may be former civil servants, paralegals or community activists. They may have experience in processing immigration applications and advising new immigrants, and sometimes they base their qualifications on their own experiences as immigrants.

Unfortunately there have been numerous complaints about potential criminal practices and unethical behaviour on the part of immigration consultants over recent years. Consultants have a great impact on the lives of recent immigrants. Immigrants can lose money, their businesses and even their resident status because of missteps and misstatements of inexperienced or dishonest consultants. They can be the victims of unscrupulous individuals who make extravagant promises for extravagant fees.

These types of problems could in part be alleviated by addressing certain deficiencies in the industry. These deficiencies include the absence of tests of competency for practice, a code of conduct, negligence insurance, a formal complaint mechanism, and a disciplinary procedure to deal with incompetent or unscrupulous consultants. There are many ways in which the public remains unprotected.

In spite of the cases of fraud, it would be completely unfair to brand all consultants as untrustworthy. Most consultants are ethical and provide good services. Nonetheless, because of problems in this industry a parliamentary House of Commons subcommittee was set up to investigate the issue of immigration consultants.

As a member of the Standing Committee on Citizenship and Immigration I had the pleasure of being on this subcommittee. This subcommittee was established out of concern for the vulnerability of immigrants and others. The goals of the subcommittee were to examine the problems posed by the complete absence of regulation of immigration consultants and to recommend solutions to the Government of Canada.

A variety of witnesses appeared before the subcommittee, including immigration lawyers and their organizations, representatives from provincial law societies, representatives from non-governmental associations, government and refugee board officials and, last but not least, immigration consultants themselves.

The subcommittee's report clearly recommended licensing was an avenue that should be pursued in order to address the problems in the immigration consultant industry. However, the report also highlighted the need to consult with the closest voices to a potential immigrant's ear: church groups, immigrant service organizations and refugee advocacy groups.

These groups deal with new immigrants on a daily basis and they know the nature of the challenges immigrants face. They hold the newcomer's best interests at heart, which is why it is important to consult with these groups, to listen to their opinions and search for new ideas on how to deal with problems facing the immigration industry.

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The problem of completely unregulated immigration consultants has existed for over 20 years. Over this time no concrete action has been taken at any level of government. Licensing of immigration consultants under the current provisions of the Immigration Act would certainly help to correct existing problems in this area.

• (1840)

I support the intent behind this motion. However, I believe that all stakeholders in the system who have not been consulted will have the opportunity before we as a government introduce any new legislation.

Once again, while regulation is an important option to consider, consultation is also important. This will allow for other potential options to be explored and developed. We cannot close off these options. Rest assured the federal government is moving ahead in this area.

In closing, I would like to congratulate the hon. member for Scarborough Centre for his thoughtful motion. He is doing a great service to prospective Canadians by bringing this important issue to the forefront. I am confident his suggestions will be acted upon in due course with dedication and diligence by those concerned.

Mr. John Finlay (Oxford, Lib.): Mr. Speaker, it is a pleasure to rise and support the motion presented by the member for Scarborough Centre which is a votable motion.

The main purpose of the motion is to inform the House and Canadians that problems exist in the immigration consulting industry. Without reading all of them, I think most of us have seen the kind of stories which arise regularly in our daily newspapers. It is time we did something about them.

"Phoney immigration consultants bilk Russians desperate to start new life in Canada", stated in the Ottawa *Citizen*. The Ottawa *Sun*: "Negligence, fraud alleged in immigration business". The Law Society of British Columbia: "Let immigrants choose". "Immigration advisor denies telling client to claim soldiers raped her". "Immigration specialist admits fraud".

This is a little item from the Toronto *Star* dated December 6, 1995 under the heading "Darts and Laurels". It gives a laurel wreath to the immigration committee for recommending the regulation of immigration consultants: "With no professional standards, some consultants end up taking advantage of vulnerable refugee applicants and immigrants". According to the Canadian Press news agency, a draft report by the House of Commons immigration committee says consultants who charge fees should be licensed by a professional body which in turn should establish minimum standards, a code of conduct, continuing education

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programs, a complaints procedure and a compensation fund for defrauded victims”.

My colleagues who have already spoken to this motion today would agree with all those statements. A large number of these consultants apparently charge exorbitant fees to assist immigrants or potential immigrants to gain access to Canada. Some have no training or expertise with the immigration process and tend to make claims to new immigrants that they cannot deliver on.

Unscrupulous consultants are tarnishing the image of all immigration consultants by their actions. They often counsel people from outside the country who for one reason or another would normally be denied immediately from immigrating. These consultants set up stumbling blocks for our own immigration officials. They prep their clients on what to say, when to say it and how to manipulate the system. This has only added in recent years to the increasing lack of confidence by Canadians in our own immigration system.

It is my feeling that immigration consultants should attain and approve a basic level of knowledge and training before they are permitted to operate in Canada. Through consultation with the provinces, national guidelines could be established to protect new Canadians from unscrupulous consultants.

I realize, as other members have said, that this is a provincial area of responsibility. Provinces deal with the licensing of businesses, industries and professional organizations within their jurisdiction. Therefore, as the mover of this motion said, we must exert some pressure on the provinces in order that they provide the kind of security, safety and regulation for our immigrants. Apparently there are very few provincial requirements for licensing, no bonding prerequisites and no rules and regulations to govern these consultants.

• (1845)

Many MPs are immigrants themselves. I am one. All of us know what it means to be a Canadian. It is really unconscionable that some Canadians and others are taking advantage of our potential immigrants' desire to move to our country by charging huge fees, often misleading them into believing that they will qualify easily when there are hurdles to be considered.

It does our reputation abroad no good. It does the immigration and citizenship department no good with respect to the citizens of this country. We have heard quite enough complaints, a good number of which may have been generated by just such unscrupulous consultants.

I hope that the House will support this motion. We would get some action with the provinces on this problem. I note that they have been slow to act. There has been pressure, but obviously not enough.

Every province has rules concerning professional organizations be they accountants, lawyers, teachers, doctors or paramedics or consultants of various kinds. Certainly this is an area that cries out for some reasonable legislation.

I want to commend the remarks of the member for Bourassa who indicated that in the province of Quebec there are some 22 bills that govern some of these matters. A professional organization there has helped. Since immigration is now a provincial matter, we might well take a lesson from our sister province, Quebec.

I also want to agree with the member for Surrey—White Rock—South Langley who pointed out that immigrants often suffer from a language barrier. They may have come from a country where authority is a fearful thing. They have concerns about their children, their loved ones or the family that they may be leaving behind. They need to meet someone who exemplifies the qualities for which this country stands, not someone who is out to take the shirt off their back and leave them destitute.

We need a regulatory body. I agree with my colleague's remarks that it must do more than simply licence and collect a fee. It must provide some education. It must provide some ongoing professional development and training as these bodies normally do.

In conclusion, I believe the mover of the motion, and I think all others who have spoken in support of it, would accept the amendment. I would accept the amendment proposed by the member for Bourassa that the motion be amended by replacing the words, “work and consult with the provinces to develop legislation that would set” with:

That, in the opinion of this House, the government should inform the provinces of the problems related to the services of immigration consultants and work with them in their development of legislation that would set guidelines and licensing regulations to govern the businesses of immigration consultants.

The Deputy Speaker: I understand that the member for Oxford has basically moved the same amendment as the member for Bourassa.

Mr. Finlay: I simply indicated my agreement with the amendment.

The Deputy Speaker: Accordingly, as there is nobody else rising to speak, the member for Scarborough Centre may be permitted to wrap up the debate.

Mr. Cannis: Mr. Speaker, first let me say that I agree with the amendment. It was part of my motion. I would like to take this opportunity to thank you and my colleagues on both sides of the House who spoke on the amendment. It is an issue that is very important. It has to be addressed now for the various reasons that were covered by all the speakers. It is an issue where family members wishing to join family members sometimes get abused.

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I have met immigration consultants who are very ethical people, who do an excellent job and provide the right kind of service. However, I have heard of many cases where people have been abused and tremendous amounts of money have been spent.

This is an issue that has to be addressed today. Hopefully with the co-operation of the provinces we will be able to develop a transparent system, a fair system, a system that serves our country the way it should.

[*Translation*]

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on the amendment. Is it the pleasure of the House to adopt the amendment?

Some hon. members: Yes.

The Deputy Speaker: I declare the amendment carried unanimously.

(Amendment agreed to.)

The Deputy Speaker: The question is on the main motion as amended. Is it the pleasure of the House to adopt the motion?

Some hon. members: Yes.

The Deputy Speaker: I declare the motion carried unanimously.

(Motion, as amended, agreed to.)

[*English*]

The Deputy Speaker: The House stands adjourned until tomorrow at 10 a.m.

(The House adjourned at 6.52 p.m.)

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