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OFFICIAL REPORT
(HANSARD)

Tuesday, September 16, 2003

—

Speaker: The Honourable Peter Milliken

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HOUSE OF COMMONS

Tuesday, September 16, 2003

The House met at 10 a.m.

Prayers

ROUTINE PROCEEDINGS

•(1000)

[*English*]

GOVERNMENT RESPONSE TO PETITIONS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, pursuant to Standing Order 36(8) I have the honour to table, in both official languages, the government's response to 20 petitions.

* * *

•(1005)

[*Translation*]

BUSINESS OF THE HOUSE

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I hereby wish to designate Thursday, September 18, as an allotted day.

* * *

[*English*]

PETITIONS

RELIGIOUS FREEDOM

Mr. John Williams (St. Albert, Canadian Alliance): Mr. Speaker, I have a petition to present to the House today signed by a number of my constituents concerning religious freedom.

The petitioners are concerned that if sections 318 and 319 of the Criminal Code are amended the rights of their religious freedom would not be protected. The petitioners are asking that the rights of Canadians to be free to share their religious beliefs without fear of prosecution be recognized by Parliament.

Mr. Ovid Jackson (Bruce—Grey—Owen Sound, Lib.): Mr. Speaker, it is my honour to present today three petitions on behalf of my constituents of Bruce—Grey—Owen Sound.

The first petition is an objection to Bill C-250.

MARRIAGE

Mr. Ovid Jackson (Bruce—Grey—Owen Sound, Lib.): Mr. Speaker, the second petition asks that Parliament uphold the

definition of marriage which is the union of one man and one woman to the exclusion of all others.

FOREIGN AFFAIRS

Mr. Ovid Jackson (Bruce—Grey—Owen Sound, Lib.): Mr. Speaker, the third petition asks that the Government of Canada not participate in the U.S. missile defence system.

RELIGIOUS FREEDOM

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, pursuant to Standing Order 36 I have the privilege to present to the House a petition signed by concerned constituents in my riding of Cambridge.

The petitioners call on Parliament to protect the rights of Canadians to express their religious beliefs without fear of prosecution. The petitioners are very concerned that expressing moral disapproval of a sexual practice by citing the Bible or other sacred religious books could be linked to a hate crime charge under Bill C-250.

MARRIAGE

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, I would also like to table two petitions from citizens of the riding of Brant. In the first one, some 80 citizens urge Parliament to protect marriage as a union of one man and one woman to the exclusion of all others.

CHILD PORNOGRAPHY

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, in the second petition, some 50 citizens call on Parliament to strengthen the child pornography law.

RELIGIOUS FREEDOM

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I am pleased to present a petition signed by a large number of Canadians, including from my own riding of Mississauga South.

The petitioners are concerned about Bill C-250 which proposes a change under section 318 and section 319 of the Criminal Code which could lead to individuals being unable to exercise their religious freedom as protected under the Charter of Rights of Freedoms, and to express their moral and religious doctrines without fear of criminal prosecutions.

The petitioners therefore call upon Parliament to protect the rights of Canadians and not make the Bible a piece of hate literature so that Canadians can be free to share their religious beliefs without fear of prosecution.

Supply

MARRIAGE

Mr. Grant Hill (MacLeod, Canadian Alliance): Mr. Speaker, I have a petition that is really quite timely. It asks that Parliament, having the exclusive jurisdiction over marriage, not change the definition of marriage. With some 125 signatures to go, about 4,000 individuals are represented on this issue.

Mr. Philip Mayfield (Cariboo—Chilcotin, Canadian Alliance): Mr. Speaker, I also have a petition that is timely. Citizens from my constituency call on Parliament to pass legislation recognizing the institution of marriage in federal law as being a lifelong union of one man and one woman to the exclusion of all others.

* * *

•(1010)

QUESTIONS PASSED AS ORDERS FOR RETURNS

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, if Questions Nos. 230 and 234 could be made orders for return, the returns would be tabled immediately.

And, Mr. Speaker, I ask that all remaining questions be allowed to stand.

The Speaker: Is it agreed that the questions enumerated by the hon. parliamentary secretary be made orders for return?

Some hon. members: Agreed.

The Speaker: Is it agreed that all remaining questions be allowed to stand?

Some hon. members: Agreed.

[Text]

Question No. 230—Mr. Benoît Sauvageau:

For the 2002-2003, 2003-2004 and 2004-2005 fiscal years, what are the best estimates of funds to be disbursed (in subsidies and contributions) by each of the government's departments and quasi-or non-governmental agencies subsidized by the government to: (a) support the anglophone community in Quebec; (b) support francophone communities outside Quebec; and (c) in each case, to fund what needs?

Return tabled.

Question No. 234—Mr. Scott Reid:

Concerning federal public servants, how many whose first language is a) French, and b) English are employed in (i) bilingual imperative positions, and (ii) bilingual non-imperative positions, for each of the following Official Language profiles: "E" (Exempt from further testing); "CCC" (Reading, Writing and Oral Interaction at Superior levels); "CBC" (Reading and Oral Interaction at Superior levels, Writing at Intermediate level); "CCB" (Reading and Writing at Superior Levels, Oral Interaction at Intermediate Level); "CBB" (Reading at Superior Level, Writing and Oral Interaction at Intermediate Levels); "BCB" (Reading and Oral Interaction at Intermediate Levels, Writing at Superior Level); "BCC" (Reading at Intermediate Level, Writing and Oral Interaction at Superior Levels); "BBB" (Reading, Writing and Oral Interaction at Intermediate Levels); "BBC" (Reading and Writing at Intermediate Levels, Oral Interaction at Superior Level); "BBA" (Reading and Writing at Intermediate Levels, Oral Interaction at Minimum Level); "BAA" (Reading at Intermediate Level, Oral Interaction and Writing at Minimum Levels); "BAB" (Reading and Oral Interaction at Intermediate Levels, Writing at Minimum Level); "ABA" (Reading and Oral Interaction at Minimum Levels, Writing at Intermediate Level); "ABB" (Reading at Minimum Level, Writing and Oral Interaction at Intermediate Levels); "AAB" (Reading and Writing at Minimum Levels, Oral Interaction at Intermediate Level); and "AAA" (Reading, Writing and Oral Interaction at Minimum Levels)?

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Data on bilingualism in the federal Public Service are derived from the position and classification information system, PCIS, which is managed by the Treasury Board Secretariat but fed and updated by the departments. The PCIS contains information on all employees of federal departments and agencies for which the Treasury Board is the employer under the Public Service Staff Relations Act.

For this inquiry, it is not possible to provide a breakdown by imperative v. non-imperative positions, since this information has more to do with staffing than with position identification. Moreover, the E level is not really a linguistic profile; rather, it is an indication that an employee is sufficiently proficient in his or her second language to be exempted.

The following table shows, for each of the linguistic profiles requested, the number of bilingual positions held by anglophones and the number held by francophones, as well as the total number of bilingual positions.

Breakdown of Bilingual Positions by Anglophones & Francophones according to the Linguistic Profiles Requested

Anglo- phones Profile	Total	Franco- phones Profile	Total	Total global
CCC	2082	CCC	5668	7750
CCB	148	CCB	104	252
CBC	3015	CBC	2234	5249
CBB	313	CBB	317	630
BCC	29	BCC	77	106
BCB	10	BCB	22	32
BBC	551	BBC	1350	1901
BBB	12791	BBB	20548	33339
BBA	45	BBA	28	73
BAB	122	BAB	335	457
BAA	18	BAA	27	45
ABB	10	ABB	30	40
ABA	0	ABA	0	0
AAB	55	AAB	230	285
AAA	51	AAA	202	253
Total	19240	Total	31172	50412

GOVERNMENT ORDERS

[Translation]

SUPPLY

ALLOTTED DAY—MARRIAGE

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance) moved:

Supply

That, in the opinion of this House, it is necessary, in light of public debate around recent court decisions, to reaffirm that marriage is and should remain the union of one man and one woman to the exclusion of all others, and that Parliament take all necessary steps within the jurisdiction of the Parliament of Canada to preserve this definition of marriage in Canada.

Mr. Jacques Saada: Mr. Speaker, pursuant to Standing Order 43 (2), I wish to inform you that in today's debate on the Opposition motion all Liberal members intend to share their time.

[English]

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, it is a pleasure to rise today to debate this motion on preserving the traditional definition of marriage in Canada.

First, let me begin by recognizing that this is an emotional debate, one where views are strongly held. We should be clear on what the debate is and is not about. It is not about human rights. The rights and privileges of marriage have been extended in law across this country to gay and lesbians and to non-traditional relationships of various kinds already. That is not in contention here.

Also not in contention is the recognition of non-traditional relationships. Civil unions for gays and others exist in law at the provincial level. That jurisdiction and those arrangements are not challenged by any substantive body of opinion in the House.

What the motion is about is marriage: preserving in law an institution that is essential. It is about democracy. It is about the right of the people to make social value judgments and, more specifically, the right of judgments to be made by the representatives of the people rather than by the judges appointed by the government.

Finally, and perhaps most important, it is about honesty and political integrity, about a government that ran on one position and now doing another but, disgracefully, doing it in a way that avoids parliamentary consent and public debate.

Let me begin by commenting on marriage. I will read the following quote which summarizes my views:

Marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long-standing philosophical and religious traditions. But its ultimate *raison d'être* transcends all of these and is firmly anchored in the biological and social realities that heterosexual couples have the unique ability to procreate, that most children are the product of these relationships, and that they are generally cared for and nurtured by those who live in that relationship. In this sense, marriage is by nature heterosexual.

Interestingly, that quote comes from former Justice La Forest of the Supreme Court of Canada. I will comment on his quote and his position a little later.

The question we should really be asking today in this debate is whether this institution should be redefined in law. We on this side of the House say, no, but if the answer to that question were to be yes, the responsible thing to do would be for those who believe traditional marriage should be abolished to argue democratically and openly that it is desirable and socially necessary to do so.

However opponents of traditional marriage have refused to do that. Instead they have gone to the courts to contort this into a human rights issue. They have chosen to make change without social consensus and, in doing so, they have articulated a position which I believe is wrong in law, universally insulting, very dangerous as far

as real rights are concerned and, of course, has been done so in a highly undemocratic manner.

First, this is wrong in law. Sexual orientation or, more accurately, what we are really talking about, sexual behaviour, the argument has been made by proponents of this position that this is analogous to race and ethnicity. This position was not included in the Charter of Rights when it was passed by Parliament in 1982. It was not included, not because of some kind of accident or oversight, but deliberately and explicitly by all sides of the House of Commons.

Sexual orientation was later read in to the charter. I would point out that an amendment to the constitution by the courts is not a power of the courts under our constitution. Something the House will have to address at some point in time is where its powers begin and where those of the courts end.

However, even accepting the reading in of sexual orientation, the addition of sexual orientation, unconstitutionally by the courts into the charter does not in itself mean automatically that traditional marriage should be deemed illegal and unconstitutional.

● (1015)

I quoted former Justice La Forest earlier. Even the Supreme Court of Canada, when it was asked to address this question, defended the traditional definition of marriage. The quote I read from Justice La Forest comes from his judgment in the Egan decision of 1995. This is one reason why, of all the court decisions, the government has been so anxious to push this issue through. It has not been anxious to go to the Supreme Court of Canada because it has doubts the Supreme Court of Canada would actually agree with it on this position.

More serious than being wrong in law, this position of declaring traditional marriage unconstitutional and illegal is, in our view, very insulting.

Would the Supreme Court of Canada which, unlike lower courts, is under increasing public scrutiny, really want to be associated with the view that the traditional marriage arrangements of millions of Canadians constitute some kind of act of discrimination? That is now, we are told, the position of the Minister of Justice, that people who happen to believe that being married is different than just being any two people and that they are somehow involved in some kind of conspiracy of inequality or, as the member for Vancouver Centre, the former multiculturalism minister, has stated, traditional marriage is equivalent basically to denying public services based on race. It is something like race-based washrooms or golf clubs which exclude members of certain ethnic groups.

That is a long way from what the justice minister was telling the House in 1999 when we addressed this issue and this motion. The then justice minister, now the health minister, said the following:

We on this side agree that the institution of marriage is a central and important institution in the lives of many Canadians. It plays an important part in all societies worldwide.

She went on to say that the government would never consider making such a change to the definition of marriage.

Supply

Unfortunately for the Liberals, the view that being for traditional marriage is analogous to some kind of racist or ethnocentric agenda is, unfortunately, not just a slur in this case against political opponents, as they are all too willing to do. It is an attack on the traditional beliefs of every single culture and faith that has come to this country.

Whether we are talking about Britain, France, Europe, China, India, Asia or Africa, just name it, all of us came here to build a future that would respect the values and traditions of our ancestors and build a future for our children and families. One of those things was based on our traditional institutions like marriage. For the Liberals or anyone in the Liberal Party to equate the traditional definition of marriage with segregation and apartheid is vile and disgusting, and a position that has no place—

Some hon. members: Oh, oh.

Mr. Stephen Harper: Our society has come, over the decades in my lifetime, to respect and recognize in law the choices of consenting adults. It is time that traditional institutions like marriage be equally recognized and respected.

This position is also very dangerous because, no matter what the Liberals say today, the kind of mentality that would have traditional marriage declared illegal and unconstitutional would inevitably endanger actual rights that are enshrined in our constitution, not merely read in, such as freedom of religion.

The Liberals and the justice minister say today that they will not touch the ability of churches, temples, mosques and synagogues to determine their own definition of marriage but these are the same people who said in the last election that they would never consider touching the definition of marriage itself.

I ask you, Mr. Speaker, and members of the Liberal Party who agree with us in principle to think very carefully about this. If the Liberals and some of their front bench people now say that the traditional definition of marriage is illegal, immoral, discriminatory and racist, what will stop them? Why would they ever tolerate those who, through their religious institutions, believe otherwise?

• (1020)

We see before the House Bill C-250, which is, in our view, just another step down this course of criminalizing opinions on this subject that are simply not accepted by the Liberal left.

Finally, there is the notion that what is going on here is highly undemocratic. I do not think I have to explain this but let me go over the facts. In 1999 a virtually identical motion was passed through the House and supported by the Liberal Party: supported by the Prime Minister, the incoming prime minister and, in fact, I have to add, drafted in part through arrangements in the House by the then justice minister, now health minister.

How it is a trap now and was not some kind of a trap then I do not know. Actually, I do know. We were facing an election campaign where the Liberal Party would have to face its own conservative supporters who would simply not accept this categorization of their views. Therefore they adopted a position then and now they want to do something different, now that they are out of sight.

However nothing relevant to this motion has changed in the past four years. Public opinion on the motion is just as divided. If anything, it is actually slightly more in favour of traditional marriage than it was then but it is just as divided. Lower courts are ruling just as they were then, that we should go in a different direction. The bias of those courts was becoming apparent. This was all known. It was mentioned in the motion. It was precisely why the House of Commons passed that motion.

The motion said that the government would protect marriage and would use all necessary means. It did not say that it would use the notwithstanding clause as the first line of attack, that this was a chance to obliterate the charter. It never said any such thing. The Prime Minister is trying to claim that now. He did not try to claim that in 1999 when the same motion was being passed.

The motion does not say “the notwithstanding clause”. It says “what is necessary”. The government did not do what is necessary. The government did nothing to protect traditional marriage.

In fact the government did everything it could do within reason to overturn that definition of marriage. It did not, to begin with, ever introduce or pass through the House into statutory law the traditional definition of marriage. Parliament has never done that. What has been overturned in the courts has been simply a series of common law rulings.

The government then went to court and had an unblemished string of losses ending when Justice McMurtry and the Ontario Court of Appeal decided to unilaterally and instantaneously change the definition.

What the government then did was use that opportunity, not to appeal the case, not merely to refuse to appeal to the Supreme Court of Canada where it feared it might lose, but is now in the courts of this country trying to block anyone else from appealing this decision in the Supreme Court of Canada.

Its position now is that it does not want a vote on this issue until after the next election. It does not want Parliament to look at this in the life of this Parliament. It wants the Supreme Court of Canada to approve its legislation but only to approve the questions that it asks. It does not ask the Supreme Court of Canada whether the traditional definition of marriage would be legal and constitutional in this country.

When it actually gives at some future date the Parliament of Canada the right to vote on its legislation, that vote will mean nothing because that vote will give members of Parliament two consequences: pass what the courts have already done or do not pass it and leave it the way it is. There will be absolutely no choice whatsoever.

In laying out these facts I have been accused of compiling some kind of conspiracy theory against the government. This is not conspiracy; this is dishonesty. It would be hard to be more open and transparently dishonest than this government has been on this question.

Supply

• (1025)

To concede this kind of ground to the courts without so much as a debate or vote Parliament, what I wonder is where is the incoming prime minister? Where is Mr. Democratic Deficit, Mr. Fix the Democratic Deficit? All of a sudden his position is whatever the courts say that is fine with him. So much for elected people. But why should we be surprised that he seems to have no particular problem with scandals over there? He had no problem writing cheques for any number of boondoggles or anything else. In any case it would be difficult for the government to be more dishonest than it is being.

The motion has been previously passed by this House. In fact it was the House's last word on it. People on all sides, particularly in the Liberal Party, had to campaign hard on this issue. In some more conservative ridings they were elected on it, and absolutely nothing has changed.

What is before us today? It is a chance for the House, for the Liberals in particular, to come clean and do what we have done. We are a conservative party. We support traditional marriage. We voted for it and we believed in it. We ran on it and we meant it. I call on the Liberal Party to do the same thing.

If this motion is to pass today, we obviously need the votes of Liberals to do that. It will tell the government to take a different course of action. If it does not pass today, it will tell the people of Canada they need a different government.

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, I want to make a brief comment. I want to remind the House that in May of 1996 the now Leader of the Opposition, then the member for Calgary, voted with the Reform Party against the most basic and fundamental protection of human rights of gays and lesbians in Canada and voted against the inclusion of gays and lesbians in human rights legislation. That is the context within which this member is speaking.

More fundamentally, I want to ask the hon. member to take this opportunity to rise in the House and apologize for the despicable and contemptuous attack that he launched on the judiciary of Canada in concocting a bizarre conspiracy theory suggesting that the Prime Minister of Canada was in cahoots with members of the judiciary to somehow impose an agenda of same sex marriage on the country. That kind of contemptuous attack on the judiciary is unworthy of the member. I hope he will take this opportunity to apologize.

Finally, will the Leader of the Opposition come clean with Canadians and make it clear to them that the Canadian Alliance agenda today in calling on Parliament to take all necessary steps is quite clearly calling on Parliament to use the notwithstanding clause to override the most basic and fundamental rights of Canadians?

If in fact the courts have ruled as they have in Ontario, British Columbia and Quebec, there is only one way to override the charter and that is to show contempt for the charter by overriding it. Will he at least have the honesty to admit that this is the agenda of the Canadian Alliance today?

• (1030)

Mr. Stephen Harper: Mr. Speaker, the hon. member has asked me to reply to three issues and I will take the time to do that.

First, the conspiracy theory that the Prime Minister has selected judges for decades to get a particular decision in a particular case is indeed bizarre. I do not hesitate to say so because it is not my theory.

My theory is much more straightforward than that. The Prime Minister knew the general direction of the courts. The Prime Minister does after all have some influence on who sits on the bench, but we knew where this was going in 1999. That is why we had this motion. The Prime Minister chose to use that process rather than Parliament and rather than public debate to see this come about. He has jumped on the Ontario decision to make it law without parliamentary debate.

I would say to the hon. member who has been an articulate and open defender of this position and in gay rights generally for a very long time, do not defend the Prime Minister on this. The hon. member and his party deserve credit for at least being open about this. The Liberals deserve no such credit.

Second, I am glad the hon. member raises the debate on the Human Rights Act. The hon. member will recall in 1996 I had expressed the view that I was not uncomfortable with some way of protecting gays and lesbians from acts of discrimination, and that remains my position. My concern was that kind of protection would be twisted into, as I specifically raised in the House, arguing that marriage was discriminatory and ultimately overturning the definition of marriage in Canada. Of course the Liberals denied there was any such plan or any such consequence of that kind of legislation.

Third, the member raises the notwithstanding clause. I know the hon. member opposed this motion but the powers of Parliament of Canada, notwithstanding the motion, is one of those. I do not believe we need to look at that today. All we need to look at is the Government of Canada to legislate the definition of marriage and at least let the Supreme Court to hear the matter.

Later this week I will introduce legislation in the House which if passed would enshrine in law the traditional definition of marriage and would not resort to use of the notwithstanding clause.

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, I thank the hon. member for his constructive input to the debate. As most members of Parliament, I had an opportunity to consult with people in my area and with many Canadians across the country.

For those who have some concern about changing the current definition of marriage, I have found that one of the big reasons is that they see marriage as an environment, an institution which fosters the bearing and rearing of children. This is one of the most essential elements of their difference. Their view is not a matter of discrimination against anyone but rather affirmative discrimination in favour of the traditional family and the traditional definition of marriage.

As this debate carries on it will be fuzzied, I am sure, by the issue of the notwithstanding clause reference or insinuation. Would the leader of the official opposition consider deleting after "to the exclusion of all others" the balance of the motion so that we have a clear question on whether this Parliament is in favour of reaffirming the definition of marriage being the union of one man and one woman to the exclusion of all others?

Supply

•(1035)

Mr. Stephen Harper: Mr. Speaker, in order to get support for this motion, I would prefer to see this Parliament act honourably, and we will consider all options to get that support. I would be happy to have my House leader discuss that with him and other members of the Liberal Party.

However I have to say that there should be no shame for any member who voted for this motion in 1999, who ran on it and got elected on it to vote for it again. What they should be shamed of is not voting for it again.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, six times since 1993, the Canadian Alliance has voted against the rights of homosexuals. It seems to me that the leader of the Canadian Alliance should be clear about one thing. He does not believe that persons of a homosexual orientation can constitute families; he does not believe that individual homosexual people, including myself, can get married.

I ask the leader of the Canadian Alliance this question: why does he not believe that two men or two women can be inspired by the same loving feelings as a man and a woman? Does he realize that, since 1993 and right up to now, the Canadian Alliance has demonstrated a homophobic feeling that is unworthy of a party leader?

Mr. Stephen Harper: Mr. Speaker, I can only say, as I did in my remarks, the idea of traditional marriage is not a homophobic idea, but a basic idea for all societies in every culture.

No one is forbidding relations between gay individuals; we are only saying that by its very nature marriage is a permanent relationship or union between a man and a woman.

[*English*]

Mr. Ovid Jackson (Bruce—Grey—Owen Sound, Lib.): Mr. Speaker, I would like to take this occasion to make a comment to the Leader of the Opposition. He came to my riding and he wrote an article in the newspaper attacking my character. The Leader of the Opposition does not know me from a hole in the ground. With regard to same sex marriage, the next time he does that, I will do the exact same thing, and I hope his newspaper will cover it.

For the clarification of the House, I vote with my conscience and my conscience has to do with what is right. Fairness is important but to be equal does not have to be identical. Let us ensure that when this legislation goes through, it will go through the test that people will be treated fairly and that the church will be protected.

I would like to ask the Leader of the Opposition a question. Exactly how will he solve this problem? It is nice to use words and to make emotional statements and get everybody all stirred up. How will you solve this problem?

The Speaker: Of course we will all want to address our remarks to the Chair.

Mr. Stephen Harper: Mr. Speaker, I am not sure to what the hon. member refers. I was of course in his riding in the summer and he and I had a brief conversation. I was in the riding to deal with the issue of BSE., which is very important to his riding. At that meeting

was one of his own colleagues, the member for Huron—Bruce. It was that member who got up that night and was very critical of the government's position on the marriage issue. I did not raise it that evening so I am not sure to what he is referring. He may be referring to some party literature or whatever. I do not know.

All I can say to him is this. He says that he might want to print some bad words about me and have them printed by newspapers in my area. I can assure him that newspapers in my area have only been all too willing to print any bad word about me. I can assure him we are treated fairly equally by newspapers across the country in that regard.

In terms of the member's contention that the government's position would protect the churches, I simply say to the hon. member that assertion is not credible. This is the government that said it would protect the traditional definition of marriage. Its argument now for overturning the traditional definition of marriage strikes at the right of any person or institution to believe in that definition and it is simply not credible, especially in conjunction with Bill C-250, to say that would be maintained.

I notice the government has asked the Supreme Court of Canada to rule on the question of whether churches would be allowed to perform traditional marriage ceremonies or refuse to perform other ceremonies. However it has not asked the Supreme Court of Canada what penalties the churches, or synagogues or mosques would face if they refused. My contention is that those consequences would certainly cause them to have to adopt view of the Liberals view on same sex marriage.

•(1040)

[*Translation*]

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, I am pleased to speak today in this debate that is of fundamental importance for Canadian society.

[*English*]

In 1999 I voted with the majority in this House. Like most members, like most Canadians, the definition of marriage that the union of one man and one woman to the exclusion of all others is the one I grew up with, the one I learned from my parents. However let me remind members of parliament that our attachment to long cherished traditions and conventions is not the only, or even the best, measure of what is just or what is right.

There was a time in Canada, not all that long ago, when it was considered perfectly acceptable that women could not vote. There was a time when women were not even legally defined as persons.

There was a time when immigrants were denied the right to vote, when they were turned away from our shores, when visible minorities were denied access to their rightful opportunities for employment.

Yes, there was a time even in our more recent past when aboriginal people were also denied the vote, when aboriginal people were denied the basic right to hire a lawyer to bring claims to court.

There was a time in my own province of Quebec when it was very difficult for francophones to work in their own language or to be served in their mother tongue by their national government, even in this House of Commons.

Each convention in its time was considered perfectly appropriate. Each in its time was fuelled in part by prejudice and misunderstandings, but more profoundly by a subtle assumption that things were supposed to be this way, assumptions held without thought as to the pain and sense of exclusion it might inflict on others. Each convention had its time and that time has passed thanks, in part, to the acts and actions taken by the Parliament of Canada.

[*Translation*]

Today we are debating the legal definition of marriage and it is our intention, as you are aware, to introduce a bill on this in Parliament. We have a fundamental obligation to do so, in light of another parliamentary statute, the most important one in our history, the Constitution Act of 1982. Enacted with a huge majority in both chambers, this act gave birth to the Canadian Charter of Rights and Freedoms.

The charter enshrined certain fundamental individual rights into law, investing each and every Canadian with the right to find out from the courts whether enacted legislation infringed upon rights. Adoption of the charter and its entrenchment by Parliament in the Constitution was the expression of the opinion of duly elected legislators, some of whom are still with us in this House. This means that, even if Parliament has the last word as far as legislation is concerned, this should not be the only word.

In short, the charter must serve as a vehicle for challenging established hypotheses, beliefs and attitudes, regardless of how familiar and comforting these may be, in order to ensure that all Canadians have equal treatment before the law. The charter has so far served Canada and Parliament well in this respect.

As for whether the current definition of marriage infringes on the charter guarantees of equality, the courts have been clear and consistent. It does. The British Columbia and Ontario appeal courts found that, in relation to the guarantees of equality conferred by the charter, limiting civil marriage to two individuals of opposite sex discriminated against the gays and lesbians of Canada who wished to demonstrate the same degree of commitment. A similar decision handed down in Quebec is currently being appealed.

● (1045)

[*English*]

Courts also made it clear that their decisions affected civil marriage only. They emphasized that the charter also guarantees freedom of religion. All religious groups have the right to refuse to marry anyone who does not meet the requirements of their respective faith. They have it now and they will continue to have it.

Both fundamental principles—equality based on personal characteristics like race, language or sexual orientation, and freedom of religion—co-exist in our Charter of Rights and Freedoms. One does not trump the other. That is why the two principles strike a balance in the marriage bill that has been drafted. There are only two provisions. The first defines marriage to be “the lawful union of two persons to the exclusion of all others”. The second states,

Supply

“Nothing in this Act affects the freedom of officials of religious groups to refuse to perform marriages that are not in accordance with their religious beliefs”.

To further ensure freedom of religion, the bill has been referred to the Supreme Court of Canada along with this specific question: “Does the freedom of religion guaranteed by paragraph 2(a) of the Canadian Charter of Rights and Freedoms protect religious officials from being compelled to perform a marriage between two persons of the same sex that is contrary to their religious beliefs?”

[*Translation*]

Hon. members will have the full advantage of the Supreme Court response in this matter when Parliament debates the bill. At the same time, it will have the opportunity to debate the government's proposals.

The notwithstanding clause is such a powerful tool that the federal Parliament has never had recourse to it. It would be a mistake to authorize such recourse by voting in favour of this motion and of the terms “take all necessary steps” without a full and separate debate.

[*English*]

Let me be clear. A vote in favour of the Alliance motion means a vote to use the notwithstanding clause. The Government of Canada has never invoked this clause to override the charter rights of a minority. I believe this would set a dangerous precedent.

The Alliance rejects equality in human rights. The Alliance rejects the charter. Let us not fall into the opposition's trap.

We are at an historic moment in time. We have the opportunity to challenge our settled assumptions and beliefs and do what is right in terms of equality: to vote down this motion that would once again restrict marriage to opposite sex couples.

And I believe this is the right thing to do. We cannot deny the rights of people who are part of our society. They are not to be ignored or made to feel invisible. Some may be our friends or our neighbours. Some may be our sons or our daughters. They live, work and contribute in our communities. They too pay taxes. They are in long term relationships and in some cases raise children. Their relationships deserve to be fully recognized too. Anything less is discrimination. I believe this is about equality, dignity and respect for all Canadians.

● (1050)

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, how can he say that the protection of traditional marriage constitutes an act of prejudice and discrimination when this position apparently was his very own until four months ago? Is the member now admitting to us that he and his government, when they voted for this same motion in 1999, were engaged in an act of historic discrimination against a protected minority in Canada? The answer of course is no.

Supply

The answer is no. He referenced the adoption of the charter in this place in 1981. Perhaps he has forgotten that at the time, his predecessor as minister of justice, now the Right Hon. the Prime Minister, on behalf of the government, spoke against, voted against, and defeated proposed amendments by the member for Burnaby—Douglas to include the term sexual orientation under section 15 because, he said, he was concerned that it could lead to a misinterpretation to the right of same sex marriage. That was the position of the Liberal Party when the charter was adopted. That was the intent of Parliament when the charter was adopted.

He speaks about the consistency of the courts in this matter and yet he does not reference the last time that the Supreme Court of Canada spoke on this issue, at the Egan case in 1995 wherein Mr. Justice La Forest, writing for the majority, said:

...marriage is by nature heterosexual. Marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long-standing philosophical and religious traditions.

My question to the minister is this. How is that when Parliament specifically excluded the basis for this purported right and the Prime Minister himself did so because of the consequence which is now before us, when the last time the Supreme Court of Canada spoke on the matter it upheld the constitutionality of marriage? And why is it that when the minister himself voted for this position four years ago, what was once a valued legal convention worthy of parliamentary protection suddenly is now an act of prejudice and discrimination?

Hon. Martin Cauchon: Mr. Speaker, as I said in my opening remarks, society evolves. It changes over time. If we look at the situation we were in back at that time when we voted, which the member just referred to, we were not facing the same clarity with regard to court decisions, essentially.

Let me be clear. When we look at the various court decisions regarding section 15 and the current definition of marriage, I believe the court decisions have been clear. We as a government and the Liberal Party of Canada as well have decided that it is a question of rights and a question of dignity, and as well it is a question of policy. We have decided to give gays and lesbians in Canada full recognition within our Canadian society.

More than that, I was in western Canada last week. I have been discussing with people. I have been on radio shows. I have been talking to Canadians. Of course some raise concerns, but when we really take a look at the draft bill, Canadians understand that actually the draft bill respects who we are as Canadians. We respect a balanced approach that gives room to all Canadians and gives a place to all Canadians in our society.

Let me remind the House that as a society we are facing two very key basic principles that I will fight for: the question of protection of religious beliefs and the equality rights in section 15 as well. As justice minister, I will make sure those two principles will be respected in Canada today. When we look at the draft bill, we see that we respect the equality rights in giving gays and lesbians access to the institution of civil marriage, but at the same time we have to respect religious beliefs.

Today, when we look at the two institutions, we see that there are already fundamental differences between religious marriage and civil marriage. Some may say they disagree with the fact that some

religions put in place some standards. As well, they may disagree with the standards that have been put in place by religious groups in this country, but we will respect those standards and we will respect those differences because we do believe in religious freedoms and, at the same time, equality rights. This is exactly what we are fighting for today as a society and we must be successful.

● (1055)

Hon. Hedy Fry (Vancouver Centre, Lib.): Mr. Speaker, it will come as no surprise to anyone in the House that I would like to speak very strongly against this motion.

This is a deeply emotional debate and I hope that during the days that we debate the issue of marriage and the definition of marriage that we will do so with respect.

I respect the rights and the opinions of those who for religious reasons do not support the expansion of the definition of marriage, but for me this is a matter of rule of law and equality.

In section 15 of our charter we have enshrined minority rights. This is very clear. In section 2 of the charter we have also counterbalanced the rights of religious freedom, for religions to follow their own dictates and their own moral laws. Neither of these are contraindicated in an expansion of the definition of marriage to include same sex couples.

The law is a living thing and our charter gave voice to that. I want to quote Pierre Elliott Trudeau when he was speaking to the proposed charter. He said:

Perhaps a good place to begin is to ask what role we think the law should play in Canada. Is it to be, as is so often it now seems to be, little more than a set of rules...a body of statutes and judicial decisions which act as precedents for our conduct? Do we give the impression of persons constantly looking back over their shoulders, attempting to see what was done in the past? The law, by this definition, is static. Rather than serving us, we find that it controls us. It is a rigid framework within which we must remain, an inflexible harness which would bind us to the status quo, and intimidates our attempt to change. Surely this is not the proper role of law.

Properly employed, the law is the instrument which will permit the preservation of our traditions and the pursuit of ideas which our society cherishes. These ideals or values are many, but the most basic of them, I suggest, are the freedom and dignity of the individual. If we as individuals do not have the opportunity to stand erect, to retain our self-respect, to move freely throughout our country unhindered by any artificial impediment, then we have not created in this land the political climate that we are capable of creating. We will not have made use of the law as we should.

This was Pierre Elliott Trudeau when he was speaking as justice minister to the charter. In that charter he proposed that the rights of four different categories be constitutionally protected, rights such as freedom of expression, freedom of conscience and religion, freedom of assembly and association and legal rights such as security of life, liberty and property, the presumption of innocence and the right to be protected against self-incrimination, and egalitarian rights, the right not to be discriminated against.

These are the things we are debating here today in this Parliament when we discuss the issue of moving forward and evolving the law. Mr. Trudeau said as well about the charter:

In short, we should not underestimate the strengths of our society and assume that the public interest will automatically suffer if the interest of the individual is further protected.

Supply

Over the course of time we have in this very Parliament, in this very country and indeed around the world looked at the status quo and we have tried to preserve it. We did so, as we heard, for millennia. We have tried to say that this is how the world should be and how it should continue to be. Take for example women. For millennia women were considered to be chattel. They were seen as unworthy to be part of the public institutions of Parliament. They were seen as unworthy to vote and they were seen as simple possessions.

I point out that this same Parliament, in its wisdom, has sought to protect the status quo with regard to women. There were debates in the House, as reported in the *Globe and Mail* on April 12, 1918, when women were seeking the vote. I will paraphrase what Mr. H. A. Fortier from Labelle said. He said that in fact the movement was one of the forms of feminism spreading around the world and that the matter should be studied before the government decided to make such a radical reform. He thought that a woman's place was in the home.

Bringing up the fear that if women should vote or if women should be allowed into Parliament, the danger to families and to family life would be absolute, the *Globe and Mail* article reported that Mr. DuTremblay said that women had their influence which they exercised through the medium of the home. He said that in the province of Quebec they had large families and their domestic duties employed all of their time and he thought it unwise to tempt women into political life and that it was not the time for government to try to make experiments.

In Paris, even then, the chamber of deputies talked about the national order, which is another argument that is brought forward whenever there is to be change, that this is not how nature meant it. I quote Deputy Lafagette:

No one can do anything against the natural inequality of the sexes. If we pretended to create absolute equality the whole moral system and social laws would collapse and marriage be endangered.

That was said in 1918. I want to quote what Mr. Fournier said in the House of Commons:

If we grant women the right to vote who can tell the result in two decades? Shall there not be a conflict between men and women? ... Women must be kept in the home, which is their proper sphere. The nation was not made up of individuals, but of families, and the suffrage bill will disrupt family ties and destroy parental authority.

I stand in the House as clear evidence that by allowing women to vote, by treating women as persons, by bringing them to their full potential in the life of this country, it was indeed a good thing.

I also want to talk about the debates in Parliament regarding the Chinese exclusion act in the House in 1923 when Chinese were condemned and Chinese men were not allowed to bring their families into Canada. It was legally impossible for wives to join their husbands. At that time MacInnes in the "Oriental Occupation of British Columbia", pages 12 and 13, said:

It may be very right indeed to separate a man by law from his wife and family if he belongs to a race whose increase in the country would be disastrous to those already in occupation of it; especially if such intruding race be very prolific and very difficult to assimilate; and by reason of a more meagre standard of living capable of undoing the masses of those to whom such a country belongs. But aside from all that, the Chinese cannot rightly be said to be separated by any Canadian law from their wives and children in China. They are free to go back to their wives and children any time, and God speed to them.

●(1105)

These were the thoughts of those days when those laws were created in Parliament, laws that we have since rescinded. All of us in the House agree that the laws against women; the Chinese exclusion act; the law creating places for the Japanese to go, taking away their citizenship and their right to mobility, which was repealed in the House in 1988; we know that laws live and that they change. They move forward as we seek to create a society in our country that is diverse and in which we recognize that minority rights are as important as majority rights and that they must co-exist side by side if we are to be spared from the tyranny of the majority. Indeed that is impossible in our country where there is no real, no particular majority. Everyone of us belongs to minority groups and we must be careful when we look at section 15 of the charter how we deal with our minority groups in this country, of which we are all part.

We must have learned something from our past mistakes with some of the things I have quoted with regard to women, to the Chinese exclusion act and to the Japanese internment. Our children have learned.

The *Globe and Mail* ran a series of 12 articles just before July 1, in which surveys were done. It found that our children, people under 34, have now come to believe that the Charter of Rights and Freedoms and the rule of law are of primary value for our country. They have said that they do not trust Parliament. We need to think about that. They trust the charter and the rule of law ahead of us in Parliament. We have made mistakes in the House. In this great House we have seen that we have created laws that were wrong and we sought to change them.

Marriage is what we are discussing here. Marriage is an anthropological, social, legal and religious institution. There is a deeply human need for us to be together, for us to love and be loved, for us to join with someone for life. This need is as old as humankind. There is also a deeply social need that when we meet someone whom we wish to spend our lives with we want to tell the world, our community and everyone around us that this is an important union, that we value and we cherish each other.

There is a legal need for marriage in which everyone's rights need to be protected. Those who are married need to have the full recourse of the law to protect them.

There is of course a religious need for marriage, which began in the Council of Trent in 1563 when marriage became a religious institution.

None of those things are being denied in this debate today. In fact, we know that marriage began a long time ago as a major legal and social institution. Indeed in Roman law there were legal reasons for marriage. It was felt that marriage was the transference of property because at the time a woman was chattel. As the woman was transferred to a husband, she moved all of her inheritance and her rights with her. It was also created for children. At the time children were seen to need to protect their inheritance.

Supply

Today all families have children. I ask members when they think about this to think about children and ensure that we do not create two sets of families with two sets of children, some of whom are less equal than others.

Mr. Randy White (Langley—Abbotsford, Canadian Alliance): Mr. Speaker, I proudly represent people in Langley and Abbotsford in British Columbia and I can assure you that the vast majority of people in my riding believe that the institution of marriage is an integral part of our society. The legal definition of marriage as the voluntary union of one man and one woman to the exclusion of all others has existed in Canada since Confederation and the vast majority of people in my riding firmly and earnestly believe that.

The minister talked about how much he had talked to Canadians across the country and how much he believed in what they were saying. He certainly did not talk to people in my riding about this issue. I have now heard from the member and the minister himself. They both talked about respect, but the people in my riding are asking why it is that the government will not respect them for what they are but for what the government wants them to be.

I would like to ask the member a question about the intent of the legislation that the minister talked about, that is, the union of any two persons. What many people in my riding are asking is what is next. Does that include any two persons, for instance any two persons in a family? Does that include a brother and a sister, a brother and a brother, a sister and a sister? It is not defined in the legislation as the minister put it. Is there an age differential that is intended? I would like to know what the member's opinion is on both of those items.

• (1110)

Hon. Hedy Fry: Mr. Speaker, the legislation does not wish to, nor does it intend to change any of those statutes at the moment where it is in fact prohibited for brothers and sisters to marry, or for parents and children to marry, or for polygamy. In a free and democratic society in order to deny any group access to the legal and social institutions of that society, there must be justifiable reasons.

The reason for brothers and sisters and close family members not to marry is one based on a medical reason called consanguinity. We know that when close family members marry there is a risk of increasing the potential for certain diseases that are either genetic or that are carried through in terms of chromosome abnormalities. There is a real reason for it. There is harm to society.

We know that in polygamy there is also exploitation that is observed when there is not an equal relationship and there is one person with many others in a relationship.

Those are very clear reasons and justifiable ones in a society like ours.

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, the hon. member said something that is very frightening to me when she answered the question. She said that they have no intention of changing any statute, and then she added “at the moment”. That is a frightening term because there was no intention back in the days when they were trying to include sexual orientation in the constitution. The specific question that the justice committee was asked was will this lead to adoption or the changing of the definition of marriage? The answer from the government was

“absolutely no, there is no intention”. They might as well have said “no intention at the moment”.

What does she mean by “not at the moment”? Does that mean they will in the future, or is she going to give us some more false promises for the future changes?

Hon. Hedy Fry: Mr. Speaker, I was responding to the question from the hon. member across the way who asked me about the current legislation. That is legislation that is here at the moment in the House when we bring the bill forward.

I also gave clear and justifiable reasons why marriage between close family members, such as brothers and sisters, et cetera, should not be allowed. I also gave very clear and justifiable reasons why polygamy would not be allowed. These are real, justifiable reasons, that it could harm society.

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, it is a pleasure for me, as the Bloc's justice critic, to speak in the House today on the motion by the Canadian Alliance.

The motion under debate today does not concern exclusively the rights of gays and lesbians in this country, any more than the right of women to vote or equal rights for women concerns only women, or anti-Semitism concerns only Jewish people or racism concerns only Black people or the Muslim community in Quebec and Canada since September 11.

It concerns social justice and human rights, and it affects society as a whole, meaning each and every one of us.

It is important to establish the context surrounding this debate. Why, today, are parliamentarians being asked to debate such an important issue? It is because various courts have ruled on the matter. The Court of Appeal of British Columbia, the Court of Appeal for Ontario and the Superior Court of Quebec all ruled that the definition of marriage, which states that marriage is the union of one man and one woman for life to the exclusion of all others, was discriminatory.

These same three courts also ruled that, in a free and democratic society, changes to this definition could not be prevented. In a society governed by the rule of law, such as our own, the legislative branch's powers are limited by other powers, including the weight of the judiciary.

In a country or society with a charter or charters, such as the Quebec charter of rights and the Canadian Charter of Rights and Freedoms, the elected representatives must take great pains to carefully weigh what the courts say in their interpretation of the documents our societies are founded on.

The justice committee crossed Canada to listen to Quebecers' and Canadians' opinions on this issue.

Supply

From Vancouver to Halifax to Nunavut, in all the regions of Canada, we listened, discussed, debated and worked with these people. At times, I felt extremely uncomfortable being a member of this committee.

It was uncomfortable for me, as a young heterosexual man, married for nearly ten years, with two kids, to be judging the relationship shared by two individuals testifying before us to say they wanted to get married, two men or two women who wanted to get married, who had been together for many years and who, in some cases, had children. Some would have me say that their love is not as good as mine, that their relationship is not as valid as mine.

I refuse to judge as not as good, right or valid as mine the relationship between two individuals who love each other.

Besides, and I have put this question to many witnesses, what difference does it make if my neighbour happens to be a homosexual and has the right to get married? What difference does it make in your own relationship? What difference does it make in my marriage, I having been married for ten years, as I said earlier?

If my best friend, my brother and perhaps someday my son, who knows, were to marry someone of the same sex, would that take anything away from the spousal relationship I have been in with my wife Lori for nearly ten years now? The answer is no.

● (1115)

To allow same-sex partners to marry does not take anything away from anybody. On the contrary, it affords more people an equal chance to celebrate the love they have for each other.

Our committee looked at four options. It is important that we consider these four options. These were: to keep marriage as the union of one man and one woman to the exclusion of all others; to allow a form of civil union; to leave marriage up to organized religion; or to allow same-sex marriages.

Only one of these four options is in keeping with the Constitution. It is important that we, as lawmakers, base ourselves on legislation to find a solution that is consistent with this country's basic laws.

First, as I said at the beginning, the definition of marriage as the union of one man and one woman to the exclusion of all others was found to be discriminatory by all three courts I mentioned earlier. When voting on such a major issue, parliamentarians will have to take that into account.

It was suggested by some that the federal Parliament approve some kind of civil union, of registered partnership or something of the sort.

Parliament cannot do that because family law comes under provincial jurisdiction. In matters of family law, the only things that come under federal jurisdiction are marriage and divorce. Any attempt by this Parliament to create another form of union under family law would be unconstitutional because it is *ultra vires* the authority of Parliament. In other words, this would go beyond the authority of Parliament.

We have heard this many times, not only from our researchers but also from several constitutional experts who appeared before us. I

asked each of these constitutional experts from various universities if this were the case and they unanimously agreed.

The third point, or the third possibility that we examined, was to leave marriage in the hands of religious bodies. In other words, all couples would have access to a form of civil union and churches would perform marriages.

That is something else Parliament cannot do. The authority that decides who may be married is the province. Parliament cannot say that a certain priest, rabbi or imam can or cannot marry two people. Members of the clergy can celebrate a marriage if at some point, within their religious order, they become civil status officers.

Again, on the basis of shared jurisdictions, Parliament must leave marriage up to the churches and create another type of union.

Finally, the only other option would be to allow same sex marriage.

I would like to come back to civil unions for a few moments if I may. Not only would they be unconstitutional, but this also raises two points that, in my view, should stop anyone who is in favour of this option, even if it is unconstitutional.

The first is that we would be accepting the separate but equal doctrine north of the 45th parallel. As we know, this doctrine was rejected in the United States many years ago. Accepting this doctrine would be a major step backward for Quebec and Canadian society.

The other question is simpler: if this type of civil union conferred the same rights and responsibilities as for a married couple, why not call it a marriage? Why complicate matters?

● (1120)

It is essential to remember that we are discussing civil and not religious marriage. Because freedom of religion has been mentioned many times in this debate, permit me to add a few words.

The concept of freedom of religion is part of this debate in two ways. The first is to ensure that churches, synagogues, temples and mosques are free not to marry same-sex couples. With freedom of religion already protected in the Quebec and Canadian charters, it seems to me that this has been established.

We can make the analogy in two ways. To Catholics, we can say this. When people who marry in the Catholic faith get divorced, they cannot be remarried in the Catholic church. The Catholic church cannot be forced to remarry divorced persons because that is part of its dogma and its dogma is protected by freedom of religion.

It is the same thing, for example, in the synagogues. Most rabbis refuse to marry a Jew and a non-Jew. That is perfectly acceptable even if it appears discriminatory at first glance, because it is part of the Jewish religion and the rights are protected.

Supply

Thus, it is important to point out that permitting civil marriage between persons of the same sex will in no way oblige churches, temples, mosques or synagogues to marry same sex couples.

The other way freedom of religion enters this debate is this: There are denominations whose interpretation of the scriptures allows them to marry same sex couples. We could mention the United Church, the Unitarian Church and liberal Judaism, for example, which would like to marry same sex couples, but cannot because of the so-called traditional definition of marriage. Their freedom of religion is violated, because a religious definition of marriage that does not correspond with their own is being imposed on them.

Why impose on the United Church, which is, after all, the largest Protestant denomination in Canada, the Catholic, Evangelical, or Orthodox Jewish vision of marriage? That is unacceptable and infringes upon their freedom of religion.

Let us reverse the roles and reverse the problem. If civil marriage were permitted between same sex spouses, thus allowing these denominations to marry same sex couples, it would protect the religious freedom of the Catholic Church, the Evangelical church and others not to marry same sex couples.

With this second solution, the religious freedom of all denominations is protected. Is that not the best solution when talking about freedom of religion?

Furthermore, I heard the leader of the Canadian Alliance say earlier that all Canadians of all origins who came here recognize or adopt or have adopted the so-called traditional definition of marriage, meaning the union of one man and one woman. Unless his comments and intentions aim to exclude members of the United Church, the Unitarian Church, the Metropolitan Community Church of Toronto and the Liberal Judaism of the *corpus politis* in Quebec and Canada, I think he should come back to the House and say that this is not true. A great many denominations are in favour of this.

Also, I have rarely, if ever, heard a valid and strong argument against allowing same sex marriage. Who can say that two spouses of the same sex have no feelings for one another and cannot promise mutual support and fidelity to one another? Furthermore, I do not believe that, if they are unfaithful, they are any more or less unfaithful than heterosexuals.

• (1125)

We often hear that a man and woman who are a couple complement one another.

Take my own marriage as an example. When I got married, I did not sign a collective agreement. No one said, "this is women's work and that men's work". How each half of the couple complements the other half will vary from one couple to the next, and this is true of both heterosexual and homosexual couples.

I have a very simple example. At my house, the tools belong to my wife. It might seem unusual, but many people think that complementing each other means that the man does the manual labour and the woman does other things. But I am all thumbs. I am horrible at fixing things. My wife, however, is not bad at it.

So, how we complement one another is not based on the fact that she is a woman and that I am a man, but simply on the fact that we are two people who love each other and who want our marriage to work. This includes dividing the labour between us. How the labour is divided varies from one heterosexual couple to the next, and I am sure that it varies from one homosexual couple to the next. Sexuality has nothing to do with it.

Then there is the argument of procreation, which has been raised so often. First of all, it is incorrect to say that homosexual couples cannot have children, because they are able to adopt. Second, there are technologies that can enable them to have children.

Yesterday we met a charming young man at the press conference of the Quebec Coalition for Same-sex Relationship Recognition. Robby has two mothers and yet has absolutely no psychological problems. Some claim that children with two parents of the same sex will have all kinds of problems. This is a well-adjusted young man, intelligent and well-spoken, who strikes me as being perfectly healthy. I mention this just to show that now same sex couples can have children.

The other issue raised by this matter of procreation, or reproduction, is whether this is the primary objective of marriage. If so, what about heterosexual couples who cannot have children? Would women past menopause or heterosexual men who are impotent not have the right to marry also? No one would want to take away their right to marry because they cannot have children.

So it is wrong to say that the primary objective of marriage is reproduction, procreation, unless consistency is applied and an expiration date is assigned: "If you have no children by such and such a date, your marriage is invalid." There must be consistency.

In conclusion, contrary to what the leader of the Canadian Alliance says, it is a matter of human rights. It is a matter of fundamental justice. The only way parliamentarians can prevent same sex couples from marrying is to do away with their rights, and those rights are recognized by the courts.

It is all very well to skate around the issue, but the crux of the matter is this: are we prepared, as parliamentarians—regardless of what we think of homosexuals and their relationships—to do away with their fundamental rights. If we go that route, and do away with the rights of that minority, then which minority will be next?

My wish in closing is for my five-year-olds to grow up in a society that is open and generous, not merely tolerant, a society which accepts and embraces difference. In voting against this motion, we will make it possible for them to grow up to vote in such a society.

• (1130)

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, one of the reasons I am opposed to marriage between persons of the same sex and support the rule of law is that it was this House and this Prime Minister who, in 1981, made a deliberate decision to exclude the phrase about sexual orientation in section 15 of the Charter of Rights and Freedoms.

It was this House which, four years ago, made a deliberate decision to uphold the definition of marriage as the union of opposite sex spouses. Nine years ago, the Supreme Court itself determined, in the Egan case, that the definition of marriage as being between a man and a woman was legal and constitutional. This was the last time the Supreme Court considered this issue. Allow me to quote Justice La Forest's decision in this matter. He wrote, and I quote:

[English]

Marriage has from time immemorial been firmly grounded in our legal tradition, one that is itself a reflection of long-standing philosophical and religious traditions... In this sense, marriage is by nature heterosexual...But generally, the courts should not lightly use the Charter to second-guess legislative judgment [on this matter].

[Translation]

How can the hon. member say that the courts have clearly spoken on this issue, when the last time the Supreme Court looked into it, it supported the traditional definitions of marriage?

Mr. Richard Marceau: Mr. Speaker, I cannot help but express disappointment with the performance of the hon. member for Calgary Southeast, with whom I often disagree but whose intelligence I respect and, normally, his consistency as well.

What he fails to mention and should mention in quoting the Egan decision and Justice La Forest's comments is, first, that the decision deals with same sex benefits, and not marriage. He fails to mention that Justice La Forest does not speak on behalf of the majority.

When quoting a decision—I do not know if he studied law but I did—one must not quote what was quoted, which constitutes an *obiter dictum*, that is to say a statement by a judge which is beside the point and cannot be used as a precedent in a subsequent decision.

• (1135)

[English]

Mr. Sarkis Assadourian (Brampton Centre, Lib.): Mr. Speaker, I was following the debate by the hon. member from the Bloc Québécois who raised the issue of human rights. I have a document here which says that there is no jurisdiction in the world that defines marriage of same sex couples as a human rights issue. Even in Holland and Belgium they do not discuss it as a human rights issue. The UN does not define it as a human rights issue. New Zealand does not define it as a human rights issue.

Can the hon. member give an example of a jurisdiction that defines the marriage of same sex couples as a human rights issue?

[Translation]

Mr. Richard Marceau: Mr. Speaker, once again, I must express my surprise at this kind of reasoning, "If it is not done in other places, it cannot be done here." The way the result is achieved is not as important as the result itself.

Although Belgium and the Netherlands made their decisions to permit marriage between same sex couples on a different basis than ours, they are now examples of respect for minority rights when it comes to homosexual marriage.

And that leads me to say a few words about the consequences of allowing same sex marriages. In fact, people have been saying that if we permit such marriages, society will self-destruct, morality will fly out the window and grave danger will threaten our society.

Supply

But when we look at the figures—they are recent but they are the only ones available for same sex marriages in the Netherlands—there has been no decrease in the number of heterosexual marriages nor has there been a drop in the birth rate. Holland is still there and the Earth still turns.

Thus, despite all those who point to same sex marriage as a threat to the rest of society, we can see that society continues to function.

Moreover, to everyone who says that the fact of allowing or recognizing rights for homosexuals leads to societal decadence, I would like to remind them that the examples of Greece and Rome were often mentioned in committee. First of all, when Greece was in its golden age, homosexuality was very widespread. Secondly, Rome was first sacked in the year 410 A.D. and fell in 476, not while it was pagan, but when it was Christian.

Thus, the survival of a civilization has nothing to do with the rights of a minority, even a homosexual minority. On the contrary, I stand with those who believe that a society is judged on its treatment of its minorities.

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, first, I want to congratulate the hon. member for Charlesbourg—Jacques-Cartier, not only for his speech today, but for his leadership since this debate began. He worked extremely hard on the Standing Committee on Justice and Human Rights. It was very encouraging to see such leadership from the hon. member.

I want to ask the hon. member to again answer the question asked by my friend from Calgary Southeast. He suggested that the courts handed down rulings that are contrary to the will of members. He spoke of what happened with the Constitution committee in 1980-1981. It is true that I had proposed an amendment to explicitly include sexual orientation in the Charter of Rights and Freedoms. The members voted it down.

Back then, I asked the Prime Minister, then Minister of Justice, whether he thought that, once the charter was adopted, the courts would interpret it so as to exclude discrimination based on sexual orientation. He said that this was possible, that it was up to the courts to decide and that this issue was not yet resolved. In 1985, a parliamentary committee consisting of five Progressive Conservatives, one Liberal and one New Democrat unanimously decided that the Constitution should be interpreted as including sexual orientation. Such is history.

• (1140)

Mr. Richard Marceau: Mr. Speaker, I thank the hon. member for Burnaby—Douglas for his kind words and for his question.

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I was 11 years old in 1981, so certainly not much concerned about such things at that time. He is right, and has pointed out what was said at that time. Being a sovereignist, I will not conceal the fact that I want to get Quebec out of Canada. Nevertheless, we do have a Constitution in the meantime, and we are under the jurisdiction of that Constitution. According to a decision that dates way back to the 1930s, this Constitution is like a living and growing tree, not something that is rigidly frozen in time. It evolves and adapts to society. If it did not it would not survive for long.

The most admired constitution in the world, for a variety of reasons, and the oldest, is the Constitution of the United States. It has evolved with the times, in response to jurisprudence. The same thing goes for the Canadian Constitution. There are several things, moreover, that were not included in the Constitution of 1867, but are now in place.

To simply state that, because the words are not in section 15 of the 1981-82 Canadian Charter of Rights and Freedoms, the Charter could never be interpreted as including them, is to make this into a rigid legal document incapable of adapting to the times, one with a very short life span.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, it is an honour for me to take part in this very important debate. I congratulate my colleague from Charlesbourg—Jacques-Cartier for his very interesting speech, which was both informative and tolerant. This is the appropriate tone for this debate, a tone that reflects tolerance. His approach is inclusive and modern.

[*English*]

I wish to indicate at the outset that I will be splitting my time with the member for Brandon—Souris.

I will preface my remarks again by stating categorically that we should be approaching this debate in an atmosphere of understanding, respect, tolerance, and constructive approach, and I think that has been the tone thus far.

I will also state categorically that I do not personally support changing the definition of marriage and yet I am cognizant of the fact that within my own party there is a difference of opinion, within my own family.

I want to echo one of the sentiments that was expressed by the member for Charlevoix. He talked about how society changes, how the advent of the charter has caused an evolution not only in the law but in the way society approaches the traditional definitions, whether it be of family or whether it be of marriage.

I came from what used to be called the product of a broken home. I had a single parent upbringing. That was viewed in many instances with some apprehension and intolerance. I developed an early understanding that the traditional definition of family does not always fit the mould. That is an important part of this debate. It is a comfort level which Canadians should feel with this issue. It is a comfort level that sometimes takes an evolution and that, I suppose, is a fundamental question. Are we ready? Is Canada ready to accept this change? I suggest that many Canadians are wrestling with this issue.

We should be looking for a pedway, a bridge across this chasm, not to tumble into a divisive and an intolerant atmosphere. We have seen that before in this place. We have seen discussions of capital punishment and abortion rip the country apart. Yet I suggest there are many intelligent minds who can turn their attention to this and look for an honourable approach that is going to give Canadians a level of comfort and allow us to move forward, and not become mired in what I believe can be a very destructive approach.

I have been clear in my statements and consistent that I would not support changing the definition of marriage. Yet I believe that this position is one which can be defended in the context of equality and allowing in fact for a definition to emerge that is equal to what has been the traditional and accepted definition of marriage. That is not to suggest this is solely an issue of semantics because that is clearly not the case, but I believe there is a way that we can sort through this issue without excluding people and without giving them the sense that their rights are being trampled.

This is very much an issue of equality, equality of access and protection, whether it be under the charter, the Criminal Code, access to pensions, or economic freedoms. These are important, tangible results of changing the definition of marriage.

There are a number of issues that I would like to refer to. First, many gay and lesbian, bisexual or transgender groups agree with this assertion that this is a matter of equality. Yet it would seem, in recent court decisions, that the judiciary and the provinces have embraced this ahead of the Parliament of Canada and that I fundamentally have a problem with.

In other religious communities we also see that this is a matter of faith based on religion, based on longstanding accepted tenets of religion. I myself have respect for both sides of this argument and yet what we have seen under the direction of the current Liberal government and its leadership is the larger issue of having ignored this matter and having the courts decide for Canadians. That, fundamentally, offends many. Is this country being governed by the judiciary or the Parliament of Canada?

To this end, I want to spend a brief part of my allotted time discussing the division of powers that we have witnessed. I want to turn the debate itself and offer my own opinion on this matter, which is not perfect. I suggest that there is no perfect answer, but there is a compromise that could be acceptable to all.

Members from St. John's to Saint John, throughout my caucus, have listened intently to the opinions that have been voiced in our caucus over the last year. I believe that is reflective of where Canadians are broadly. There is no right or wrong answer in this regard.

• (1145)

Canadians have been concerned, obviously, about the appearance that the courts have encroached upon the supremacy of Canadian Parliament, reading in our laws interpretations that may in fact be inconsistent or outside the intent of the law as presented and passed by Parliament.

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This in large part is why we should be having this debate today, but we should be debating the actual law, not a motion, not a revisiting of what we have seen in the past, in 1999, which I supported at the time. We should actually have the legislation before us. That is why I would urge the Government of Canada to withdraw this reference question. In the first instance, it is not phrased properly. It does not put forward the assertion that there is another way to proceed, that we could create a registered domestic partnership, a civil union that takes it out of the realm of religion solely and gives Canadians an option. We should be having this debate, but under the guise of the Parliament of Canada presenting legislation and being upfront and honest about that approach.

The extension of economic benefits protection under the charter or the Criminal Code should not be based on sexual orientation. Equality is the issue. I repeat again: human rights, the rights of homosexuals and heterosexuals, must be respected in this debate. However, as with any system, conflict will arise on competing sides.

In the last number of years, we have seen numerous cases in the Supreme Court and other courts in the land that did whittle away and undermine the supremacy of Parliament. I refer to the recent John Robin Sharpe case, which again, in my view, infringed upon Parliament's exclusive right, and to the right to give felons a vote in Canada. I believe that was out of step with where Canadians are on this issue. We have witnessed provincial cases in Ontario, Quebec and British Columbia, similarly on this issue, which I believe have not allowed for Parliament to speak.

To many, it seems that the reading into the intent of the laws has infringed upon the legitimacy of this place. We have to regain that. Because of the vacuum left by the government, we find ourselves in this dilemma.

In acknowledging that marriage is very sacred and has religious connotations and implications that stem very broadly, there is also the need for involvement of the church in this debate, and for that very reason. There is also the need to acknowledge that there is a great deal of tolerance and clear thinking that has to be put forward, with clear lines drawn and with clear legal definitions.

There are many who would argue, and in fact we have heard many of those arguments today, that there is an erosion of social morals and that this stems from the decline in the institution of marriage. I personally do not subscribe to that thought. I believe it runs much deeper and is far more complicated. In terms of the traditional definition of marriage, this motion is an attempt to seek out conflict on a moral issue. Again, I believe we have to avoid that.

I am afraid that leaders sometimes simplify these issues that divide rather than bind Canadians. I do not believe we should change the legal definition, but I do see that same sex couples should be afforded all the rights and privileges of married couples. And domestic registered partnerships or a definition such as that would allow for this: equal treatment. To be able to say one has "similar" does not mean distinctive, special, or more or less. It does not negate or entitle to more or less. There is value in preserving the definition of marriage, I would suggest: stability, conformity and a sense of comfort for many Canadians.

I believe we can have consultations. I believe the government should withdraw this reference, bring forward a bill and have a real debate on this, one that would matter. Identical treatment does not mean different in this instance.

I will conclude by saying I believe that this is the place for this debate. I believe there is a way in which we will attempt to bring legislation, either through this place or through the Senate of Canada, if the government is not prepared to do so. There are many who would argue that there is an erosion. I do not believe that is happening. It is not erosion. It is evolution.

● (1150)

But let us do this with our eyes open. Let us do this in such a way that the Parliament of Canada restores its credibility. We in the Progressive Conservative Party of Canada will be allowing a free vote among our membership.

Mr. Larry Bagnell (Yukon, Lib.): Mr. Speaker, I thank the hon. member and agree with much he said. I agree that there is no right and wrong in this issue and that there is not a riding in this country where there are not people on both sides of this very passionately felt issue.

In that respect, as a member I am very proud of Canadians, this Parliament and my constituents for the civility with which they have had this debate. They are thinking of the rights of others. They are tolerant of others and other points of view and are having a very reasonable debate.

I want to go on the record as saying that my constituents, like everyone else in the country, are very split on this. There are very passionate feelings on both sides of this issue. I, like the hon. member, would like a solution that unites the country rather than divides it, as it seems it is today. I am glad the member believes there are minds that can come up with that solution, one which would unite Canadians, not divide them.

I would like to ask the hon. member about one possible solution he has proposed in regard to a civil union. My sense is that it might backfire. People who would still want to be married and to use the term marriage might then challenge the churches in the courts. The churches might then lose that challenge. I think there would be chaos in the country if we tried to force various religions to do something they would not want to do. One of the aspects of the bill is to protect religious freedom as well as equality of access.

Mr. Peter MacKay: Mr. Speaker, I appreciate the comments and questions from the member for Yukon. I had the pleasure of visiting his beautiful riding this summer.

I would suggest that, in his words, compassion being the backdrop to all of this would prevent any suggestion of that, and regardless of the Parliament of Canada putting forward a definition that would create a new definition in the civil context, it would not result in some sort of marriage police going around the country chastising or charging individuals for using the term marriage as opposed to union or partnership.

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Ironically, I first turned my mind to the issue of registered domestic partnerships or civil unions in speaking to a former Deputy Speaker of the House of Commons, the member from Edmonton, Ian McClelland. There is not a person in this country, I would suggest, who has not been touched in some way personally by this debate. I suggest that we can create a new definition of marriage outside of the religious aspect, leaving that sole jurisdiction to the churches of the country. In fact and in fairness, that is part of the spirit of the legislation, which is in draft form, but I believe we should instill within that definition that “marriage” is the lawful union of one man and one woman to the exclusion of all others. Second, notwithstanding that definition, “union” or “partnership” for a civil purpose is the lawful union of two persons to the exclusion of all others.

There is a way. And I think the will exists among the silent majority on both sides of this debate to find an acceptable, tolerant, compassionate and inclusive way to allow two persons, regardless of their sexual orientation, to come together and receive equal treatment, equal benefits and equal respect under the law, but without infringing upon what has been there for time immemorial, and that is a definition of marriage that gives this country part of its moral fabric.

• (1155)

Mr. Grant McNally (Dewdney—Alouette, Canadian Alliance): Mr. Speaker, I clearly support the traditional definition of marriage and it is clear that the Liberal government does not support the traditional definition of marriage. It has broken its promise to Canadians by doing very little to protect the definition of marriage. The Prime Minister did not appeal the Ontario court decision and the justice minister has travelled the country promoting same sex marriage.

I want to ask my colleague, how can Canadians possibly trust this Liberal government to honour any promise it makes when it has so clearly broken its promise on such an important issue as marriage?

Mr. Peter MacKay: Mr. Speaker, I thank the hon. member for his question. That is the fundamental issue here. The fundamental issue in the debate is equality. The fundamental issue of who we trust as our representative is also an important matter.

When this similar motion came before the House of Commons in 1999, a good number, and I would suggest the overwhelming majority, of the Liberal Party, including the minister of justice at the time, stated unequivocally that they would not change, tinker or amend the definition of marriage as being between one man and one woman. Yet as we have seen repeatedly, this government broke faith, and after the election of course. But there is a record of this. We saw it on the red book. We saw it on so many issues. This one, I would suggest, is quite fundamental. It strikes at the very heart of democracy when the government says something as important as this and then turns around and votes the other way. But that is what we have come to expect.

Mr. Rick Borotsik (Brandon—Souris, PC): Mr. Speaker, I rise to debate this issue in the House of Commons. It was mentioned earlier that it is a very emotional and passionate debate and, in a lot of cases, certainly a divisive debate within what was mentioned, within constituencies and within families.

One of the advantages I have in my party is the opportunity of putting forward my position, my beliefs, my options and my concerns, contrary to the views my leader holds. We have the opportunity in our party to be our own people, to be ourselves, and I will respectfully be disagreeing with some of what my leader put forward on behalf of his own beliefs.

I would also like to say it does not surprise me that the Alliance would come forward with this somewhat hot button, divisive issue on the second day in the House of Commons, as opposed to something that is more rampant in our communities right now, which is the fact that a lot of families are being devastated with respect to the border closures on cattle because of BSE. Last night, with my leader, I attended a meeting of some 250 ranchers who are absolutely devastated and who have nowhere to turn. But today it seems that the Alliance would much rather put forward a divisive issue as opposed to trying to put forward something so that we could in fact assist those people.

I have found that this issue is broken up into three categories. The first one, without question, is that of equality and the charter that we hold dear and close to our hearts, the Charter of Rights and Freedoms. Without question, three superior courts in the land, those of British Columbia, Ontario and Quebec, have come forward and said they have interpreted our law. And it is our law. It is the law of the people who sit in the House. It is the law of the people I represent and the law of Canadians in the country: the Charter of Rights and Freedoms.

Unequivocally three courts said that it is our law and that in fact we are breaking our law, that we are not extending equality to those people who wish to have equality. Under section 15(1) of the charter, the courts have said that either we change the law or we comply with it.

I hold that charter dear and close to my heart because that is what it means to be a Canadian. That is our freedom. That is our cornerstone. If we change the law, then we change our society. Every night on the news we see examples of societies today and we see what happens when we do not have that Charter of Rights and Freedoms.

Those courts have said to us, “Comply”. I know the argument is that this should have been appealed to the Supreme Court, but that is a stalling tactic. That is not taking responsibility. That is not making decisions. That is not acting on what we believe is right in our society. It is a stalling tactic to go forward to the Supreme Court. We recognize that it would come back to us at some point in time and say yes, we are in fact not complying with the law, the Charter of Rights and Freedoms, so we must comply. And everybody would be happy to say that the courts had forced us to do it.

But it is our law. And we put it in place. I was not 11 years old when it came into the House, but I was not in the House, and I should tell the House that it is something I hold very dear and very close to my heart.

So right off the bat we have equality. We have that. Also, when people question how it would infringe other people and organizations with their rights and freedoms, I say there are reference questions. My leader said, "Withdraw the reference questions and let us put the legislation on the table". I do not disagree with that. Let us discuss legislation. This is a motion from the Alliance Party, which wants to push those hot buttons, but let us get the legislation here. Let us talk about it. Let us look at how those rights are going to be protected, not just for same sex marriages and same sex couples but for the religious freedoms we hold so dear, in that same legislation. Let us bring it forward. But we do not have that. There are reference questions. My caveat will be that we cannot take rights away from one group to give to another.

The third reference question is quite specific. I hope everybody has read it. It asks if civil marriages, and I underline civil, are allowed in the country, will religious organizations have the right to refuse same sex marriage ceremonies in their religious churches and organizations? That question has to come back as "yes, those rights are protected under that same charter". We cannot take rights away from one group or individual to give to another. Unequivocally we have to protect that right in the charter. I think reference question number three will certainly speak to that.

● (1200)

There has been a lot of debate about the word marriage. Should that word be used with a same sex couple? I stand here having been married to a woman for 31 years, and I take those vows very seriously. In fact, I take those vows probably more seriously than a lot of people with whom I grew up who have not taken those vows very seriously and who have probably been divorced once if not twice. I can stand here and say that I do take my vows very seriously.

My wife and family disagree on this issue. My wife and I have had honest, open discussions, like the ones we are having here in the House. She said that marriage is something that we should sanctify. It should be a man and a woman. I said that currently there are in this society same sex marriages. We could pick a number: 100, 200, 300, 400, probably 500. There are probably 500 same sex marriages in this country right now which have already been sanctified by the courts. I asked my wife how that has detracted from our marriage of 31 years. Is it less today than it was yesterday when somebody took a vow in Toronto or someplace else in Ontario? I asked her if our marriage meant less to her than to me and she replied that it did not. After 31 years that is the relationship we have developed with or without a word.

The same is true of those loving relationships that have been sanctified by civil marriage in Ontario. Why take that right away from those couples because we think it will have an impact on them? That is marriage.

There is an issue with the freedom of religion and the protection of that freedom of religion. I will stand and fight anyone who suggests that right should not be extended to everyone who wishes to exercise that opinion and those beliefs. That is in the charter, the same charter that we say should have equality rights for same sex couples in relationships.

There are religious organizations in this country today that extend same sex marriages. The question is: Do they not have those same

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rights of religious freedom in the charter? Are we supposed to take those rights away from them because someone else says they are right and everyone else is wrong?

We have all had phone calls and letters and organized campaigns. The fact is that if the United Church in its wisdom decides to extend those rights to marriage should people not be given the right to religious freedom under the charter? In some cases I have heard people say no. I have heard people say that right should be taken away from them. That is a very slippery slope.

When I ask why people should not have the right to exercise their religious rights and opinions, the answer I have been getting in some cases is that they are right and the others are wrong. That is a very dangerous position to take because if they are right and others are wrong extends to religious beliefs and religious opinions where could that go?

Does the majority have the right to say they are right and others are wrong on other issues? Would there be freedom of speech, the ability to cast a ballot or the ability to travel across our country? I do not want to fearmonger because too much of that has already taken place but that is a slippery slope and we cannot get caught up in that movement.

This is a divisive issue, an emotional issue and it has the country divided. The issue will be resolved, not by the courts but by us in Parliament, by legislation that will be tabled in the House. This issue will be resolved on the basis of equality and equal rights. It will not be resolved on the basis of discrimination. It will be done in a free and just society. All of us should be proud to say that Canada has the ability to extend those rights to all equally.

● (1205)

Mr. John Cummins (Delta—South Richmond, Canadian Alliance): Mr. Speaker, I would like to point out to my hon. friend that my leader is concerned about the BSE issue. In fact he led a delegation to Washington and spoke with representatives of the congress, the senate, as well as the president's people on this very important issue. I think it is quite inappropriate to chastise us on that issue.

The issue we have before us is an issue that is here because of the actions of the government. The member talked about three courts in British Columbia, Ontario and Quebec finding that maintaining the traditional definition of marriage was contrary to the Charter of Rights. What I find curious and what I would like the member to comment on is that the Supreme Court of Canada, as recently as 1995 in the Egan case, found that marriage was the union of one man and one woman; that is to say that the Supreme Court of Canada found in favour of the traditional definition of marriage. It was fully aware of the obligations that the Charter of Rights imposes on all of us. Justice La Forest stated that because of its importance legal marriage may be viewed as fundamental to the stability and well-being of the family.

● (1210)

Mr. Rick Borotsik: Mr. Speaker, there were three questions and I will deal with the first one.

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My inappropriate suggestion that the Alliance was not dealing with BSE is not just my suggestion. Today the *Calgary Herald* stated:

Conservative Leader [member for Pictou—Antigonish—Guysborough] stepped up as champion for the stricken beef industry Monday, using the first Commons question period...

It goes on to stated:

Oddly, even though the Canadian Alliance represents the majority of ridings in Western Canada, hurt most by the ban, party leader...did not mention the issue....

I suggest that there is a champion out there for the stricken producers of cattle.

We have talked about the Egan decision in the Supreme Court. I think that was answered quite emphatically by the Bloc member who said that this was an issue of same sex benefits, not a question of marriage. Although they try to, they cannot muddy the two issues. We have to be very specific but that certainly was not the case.

The courts of B.C., Quebec and Ontario, the three most populated provinces, the three jurisdictions that came forward and certainly the three superior courts, have looked at this piece of legislation we have, the Charter of Rights and Freedoms. I have read those orders and the order is quite specific. It says that they uphold the appeal. In fact, they say quite emphatically that in a just and democratic society marriage should be extended to same sex relationships.

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, I am a little confused about the position of this member because he described the retention of the ancient common law definition of marriage as being an assault against fundamental rights. He referenced the Charter of Rights several times.

First, is the member not aware that this House in 1981 voted against the inclusion of the term "sexual orientation" in section 15 of the charter in large part because of concerns that its inclusion could lead to this policy result on the part of the courts?

Second, he spoke at length about the retention of the traditional definition of marriage as being a fundamental assault on rights in Canada, and unless *Hansard* was mistaken, the hon. member for Brandon—Souris voted for precisely the same motion that is before us today in 1999. How is it then that he could go from supporting what he now regards as a fundamental assault on Canadian rights? I do not understand the sort of schizophrenia that is evident in the member's extreme, shall we say, flexibility.

The Deputy Speaker: I want to caution the hon. member for Brandon—Souris will have approximately one minute to reply.

Mr. Rick Borotsik: Yes, Mr. Speaker, the member is absolutely correct. In 1999 I did support the definition of one man and one woman but things change. Society evolves.

By the way, I do believe this same member also voted to not accept his pension when he was being elected as a Reform member. I think they changed their minds on that one. Did society change? Did other variables get thrown into the mix that the pension issue should change and now he has changed his mind on that?

Society does evolve and change. We now have the order of three different superior courts. We have a society that has evolved. We

have issued and granted same sex benefits, which were not there in 1981 or 1982.

If we are not flexible enough to change with our society then we probably should not be in the House.

Again, I find it strange that they can change their minds on issues, and that is fine, but others cannot change their minds on issues.

● (1215)

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, I want to advise the House that I will be sharing my time with my colleague from Vancouver East.

I want to start off by thanking the member for Brandon—Souris for his courageous and eloquent remarks in opposition to the motion before the House today.

"Why are they doing this?" That question was asked yesterday by an 11 year old boy, Robbie Barnett-Kemper, in this place at a press conference with the group Canadians for Equal Marriage. Robbie and his sister Hannah have two moms. They have been raised in a loving and nurturing family by Alison Kemper and Joyce Barnett, who have been together since 1984. Alison has said this.

Our lives together have been spent overcoming those who would wish us to be apart or invisible. We are committed to ensuring that our children have as secure and rich a life as possible. Marriage is one more step.

Yesterday their son Robbie asked why the Canadian Alliance was trying to take away that marriage, that marriage that was celebrated with such great joy in June of this year. In answering that question I suppose one could say that the Canadian Alliance members at least have the virtue of consistency because we know that they have voted consistently. On every occasion that the House has been called on to speak out for equality for gay and lesbian people, they have voted against. This is entirely consistent with that position, whether it was on human rights legislation in 1996, hate crimes legislation, legislation recognizing same sex benefits or, as we know, tomorrow voting against legislation that would include sexual orientation in hate propaganda laws in Canada. The Alliance has been consistent.

I particularly want to appeal today, not to my colleagues in the Canadian Alliance because I understand that they do not fundamentally believe in equality based on their voting record so far, to my colleagues in the Liberal Party. As I look around the House, I know there is only one other member here, my friend from Calgary Centre, who was in this House on April 17 of 1985, the day that the Charter of Rights came into force.

Hon. Lorne Nystrom: I was here, too.

Mr. Svend Robinson: My colleague from Regina—Qu'Appelle reminds me he was also in the House at that time.

It was the leader of the Liberal Party, today's Prime Minister, who celebrated the coming into force of the Charter of Rights and pointed out:

In a global sense we are all part of a minority, and thus subject to the tyranny of the majority. If we are not protected by the rule of the law which is embedded in the rock of our Constitution, what is left?

We celebrated that day the coming into force of the Charter, and I think we should be very clear that the effect of the passage of this motion today would be to fundamentally and profoundly reject that Charter of Rights. It would be to override that Charter of Rights to deny the basic equality of gay and lesbian people in Canada.

I want to appeal particularly to Liberal members to reject that suggestion that we use the notwithstanding clause. Someone said that there would be an amendment and that they would take out any reference to all possible measures. The reality is that in law with the courts having ruled there is only one possible way to overturn those decisions and that is by using the notwithstanding clause. That is what this debate is fundamentally about today.

“Why are they doing this”, Robbie asked. “What is the threat?”

● (1220)

My colleague from Brandon—Souris spoke eloquently about his marriage of 31 years. A couple of weeks ago there was a demonstration of about 200 people outside my office and I know outside many offices of members of Parliament. I spoke to those folks who had deeply held views, deeply religious views. I asked those who were married to put up their hands and many of them did. I asked those who raised their hands to tell me if their marriages would be any less strong, any less committed, any less loving, if I were able to celebrate the joy and the love of my partnership with my partner Max through marriage. I asked if it would it weaken their marriages? I would ask my friend from Saint John if her marriage with her husband Richard of so many years would be in any way diminished by allowing me to celebrate my relationship with my partner Max. I said, “Put up your hands if you believe that” and no one did. We know that it would not happen.

For us, as gay and lesbian people, this debate is not just a political debate. It is an intensely personal debate as well because we are talking about our lives, about my life, about my partner and about my ability as a citizen of this country to enjoy equal status. That goes to the core of the values which I believe we should be fighting for as Canadians.

Our relationship of a little over nine years is just as strong, just as loving, just as committed as any other relationship. In fact it was a life-sustaining relationship for me, following a near fatal accident. It kept me alive. If Max and I should choose to celebrate our love through marriage, why should that be denied us, or any other gay and lesbian couple in Canada today?

I have had the privilege of witnessing a number of marriages since they became legal in Canada and it is a very moving thing for me. In Toronto two men who had been together for 31 years, the same number of years as my friend from Brandon, said after the celebration of their marriage in front of their families and their friends that it was the first time in their 31 years that they felt truly equal in their own country. I celebrate that and I honour them.

As New Democrats we say that this is an issue of fundamental human rights. I want to particularly pay tribute to my colleagues, members like the member for Vancouver East who spoke out so courageously during the debate on my private member's bill in October of 2001, the member for Regina—Qu'Appelle who seconded my motion in 1981 to include sexual orientation in the

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Charter of Rights, the member for Palliser who spoke out with passion, with conviction and with courage at a demonstration outside his office for equality and dignity and yes, my leader Jack Layton who has said that for him this is a fundamental issue of justice and human rights, who at his own marriage to his partner, his wife, Olivia Chow, lamented the fact that his gay and lesbian friends were not able to celebrate their marriages, and who has talked of witnessing the tremendous love and bonds of gay men in the epidemic of AIDS.

It was only in 1967 in the United States that laws prohibiting interracial marriage were struck down. When some Canadians say that marriage is immutable, that it has not changed, I would remind them that in fact there have been significant changes.

Yes, of course we protect and we honour religious freedom. One of the essential elements of the government's draft legislation is to ensure that no one is required in any way to solemnize a marriage that does not respect their religious values. Indeed the Ontario Court of Appeals has said that freedom of religion ensures that religious groups have the option of refusing to solemnize same sex marriages. The equality guarantee, however, ensures that the beliefs and practices of various religious groups are not imposed upon persons who do not share those views.

Equality for gay and lesbian couples and respect for religious freedom is what this is about. The motion before the House today would override those fundamental principles, and I call on members of the House to reject the motion.

● (1225)

Mr. James Moore (Port Moody—Coquitlam—Port Coquitlam, Canadian Alliance): Mr. Speaker, I appreciate the speech from my colleague from Burnaby—Douglas. I certainly understand that he is a man of consistency and conviction on this issue. However for the sake of clarity for all those who are in the House and for Canadians who are paying attention to this debate, I have a question.

We know the Liberal Party will have a free vote on this issue. We know the Canadian Alliance leader has said that we are free to vote on this issue. The Bloc Québécois has said the exact same thing. The leader of the Progressive Conservative Party has said the same thing for his party. I am not so sure about the NDP. That has not been clarified. Therefore, can the member can clarify that for the House?

He has said that to deny gay marriage is to deny the basic equality of gays and lesbians. It is bigotry, it is intolerance, it is denying fundamental human rights and it is a fundamental issue of justice. The member for Churchill has said that she will vote in favour of our motion. Is she a bigot?

Mr. Svend Robinson: Mr. Speaker, first, to set the record straight I would point out that each and every member of the New Democrat caucus in the House today will oppose this motion. This is an issue of fundamental human rights as our leader Jack Layton has said.

Supply

My colleague has referred to the member for Churchill. The member for Churchill has expressed concern around the change in definition, but I want to be very clear that the member for Churchill will not in any way be supporting a motion that calls on Parliament to override the most basic and fundamental rights in the Charter of Rights and Freedoms. She will not vote for that, nor will any member of this caucus.

Not only have the courts spoken, the House of Commons justice committee has spoken. A motion which I proposed, calling on Parliament to accept the definition of marriage as the Ontario Court of Appeal ruled was supported by the justice committee. It is the courts, it is the justice committee and today I hope Parliament, by a majority, will reaffirm as well our commitment to equality, to religious freedom and most important, in the context of today's motion, to the Charter of Rights itself.

[*Translation*]

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, I would like to thank our colleague from the NDP and my colleague from the Bloc Québécois.

I have a fundamental problem with the speeches from the members opposite. I am glad the member for Charlesbourg—Jacques-Cartier pointed out that we are not talking about religious marriage here. The draft legislation tabled by the member for Outremont and Minister of Justice is clear on this.

If relationships between two people of the same sex are not to be recognized, then I would like the member to tell me how they should be described. It would be like a father telling his daughter that he is not racist, but he does not want her to marry a black man, or a husband telling his wife that he is for equal rights, but he does not want her to have the right to work.

Does our colleague not think that at some point we should practice what we preach? If we believe in equality there should be no exception.

Mr. Svend Robinson: Mr. Speaker, first, I would like to thank my colleague and friend, the member for Hochelaga—Maisonneuve, for his work on this issue. I believe that in 1995 he put forward a motion to recognize same sex marriage. He has fought relentlessly for this recognition ever since.

The member is right. I do not understand what the threat is. In Quebec in particular, public opinion polls show that there is broad support for equal marriage rights. The fact that there is a Quebec coalition for the recognition of same sex marriage proves it. Canadians who are for equal marriage rights also showed their support. I hope the members from Quebec will not only reject this attack on the Charter of Rights and Freedoms, but will also support the fundamental equality of gay and lesbian couples across Canada, including in Quebec.

• (1230)

[*English*]

Ms. Libby Davies (Vancouver East, NDP): Mr. Speaker, the leader of the Canadian Alliance led off today on his motion by claiming that this issue of same sex marriage is not about human rights. That is how he started his debate today.

I think it needs to be said that he and his party are dead wrong. It is about human rights and no matter how the Canadian Alliance tries to squirm out of it or twist it or make it an issue that it is about the courts or grab any other kind of excuse they cannot escape judgment that this is about human rights. It is about their stance on human rights. It is about our Charter of Rights and Freedoms and it is about the value of our society and how the law is applied to all people regardless of their race, religion, disability, gender or sexual orientation.

I want to deal with one other statement that came from the leader of the Canadian Alliance this morning. He said that people had “contorted this issue into a human rights issue without public consensus”.

I find it reprehensible that he would challenge the constitutional rights of Canadians to seek justice before the courts. This is something that we have in this country. In fact I would say that we should be applauding the efforts of the people who have advanced this issue through the courts and asserted their own individual rights.

What is equally troubling is the notion of public consensus. What does he mean by this idea of public consensus? Is the Canadian Alliance suggesting that public consensus must exist for change to take place? Can we imagine if that position were applied to interracial marriage which in the past, as my colleague from Burnaby—Douglas has pointed out, was opposed in the United States and where certainly public opinion was very divided? There was no public consensus. Can we imagine if that same kind of position about public consensus were applied to that issue? I think even the Canadian Alliance would say, no, this would be unacceptable. Yet the principle is no different with regard to same sex marriage.

I do not believe that Parliament has the right to impose a definition of marriage that excludes some Canadians only for their sexual orientation, just as we have no right to outlaw interracial marriage or civil marriage between people of different faiths.

The proposed law that we hope that the Liberal government will bring in sooner than later is a permissive law and is not a mandatory law. This is a matter of a deeply personal choice. No one is forcing the leader of the Canadian Alliance to marry a man if he does not want to. Nor is there any suggestion that a religious institution must perform a marriage if it does not want to. This is about a civil marriage between people who are in a committed relationship and make their own choice that they want to marry, whether they are heterosexual or whether they are two women or two men.

Over the several months like every other member of the House I have had lots of e-mail, correspondence and discussions with people. At the end of the day having listened to all of the arguments about why this is wrong, I have to ask myself in terms of this motion that is before us today, that presents an exclusionary definition of marriage, what is it from the point of view of the Canadian Alliance that is wrong with this idea of equality in marriage.

I believe it comes from a very deeply ingrained fear, a perceived threat that somehow exists that displays a very deep prejudice toward people who are equal but different. This motion displays a very homophobic attitude. I know that members of the Canadian Alliance will hotly deny that, but at the end of the day when all the arguments are said and done, what it comes down to is a question of equality. I do not believe there is any escaping the fact that this motion through its definition is something that is exclusionary based on a homophobic attitude.

• (1235)

I can accept that members of Parliament personally are opposed to same sex marriage, that they somehow find it difficult for whatever cultural reasons or religious reasons, but I want to say that we have a privilege here that other Canadians do not have. We have the privilege to vote. The 301 of us in this place have the privilege to vote. I believe that as a member of Parliament I have a duty to uphold human rights, not to diminish them.

What one's conscience says is one thing. It is a very important matter. But I believe that our duty as members of Parliament is to apply the law fairly and to apply the charter fairly, without prejudice and without bias.

I am very proud that our leader, Jack Layton, and our party, advocate and support equality marriage. Our party has had a long tradition of defending minority rights, whether it was Japanese Canadians who were imprisoned during the war or the rights of aboriginal people who still face terrible discrimination. We defend those rights as we do the rights of gays, lesbians and transgendered people, even when it is not popular to do so, in fact, even more so when it is not popular to do so.

I have been delighted to see the celebration of marriage of same sex couples in my own community, including people like Elizabeth and Dawn Barbeau, who are part of the legal struggle and victory for marriage equality. I would like to congratulate Claudette, who is one of the interpreters in the House, and her partner Gail, who were married on June 28. They are part of our community. I am part of the community too and my choice to marry my partner, who is a woman, is surely our choice and no one else's.

I call on members today to vote down what I think is just a horrible motion. There is the whole spectre of the use of the notwithstanding clause. We asked the Leader of the Opposition today if he would clearly enunciate that the Alliance was not contemplating as one of the necessary steps using the notwithstanding clause and he would not be clear on that question. We have to call on all members of the House to say that this is really a very profound vote.

If we believe in equality for Canadians on all of the grounds that exist, then we should be striking down this motion. We should have the courage to do so, even though we know there are varying opinions in the community. We should do it on the basis of equality. We should do it on the basis of justice. We should do it on the basis that if two people, whoever they are, whether they are two men, two women, a man and a woman, make a choice that they want to have a civil marriage, they should be allowed to do so.

Mr. Pat O'Brien (London—Fanshawe, Lib.): Mr. Speaker, I listened to my colleague's remarks. I happen to agree with the Leader

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of the Opposition, that this is a bogus human rights issue. I do not see it as a matter of human rights or equality.

I sat on the justice committee for several months and listened to colleagues on both sides of the House and both sides of the table, including some of my colleagues in this party, trying to equate the black civil rights movement and the women's rights movement to the demand for same sex marriage. That is specious logic, at best. It is simply illogical. It shows an incredible ignorance of history. Quite frankly, it is insulting to just about everybody concerned when one tries to draw that comparison.

I wonder if the member honestly believes that one can draw a direct parallel between Martin Luther King standing up on his religious principles and fighting to defend the natural moral law that people are not unequal because of the pigmentation of their skin and a relationship called same sex relationship which fundamentally goes against the natural moral law? Does she really believe that?

Ms. Libby Davies: Mr. Speaker, I find it really sad to hear a member of Parliament, a Liberal member, say that human rights around marriage equality is somehow a bogus issue. I really am at a loss to understand how someone would arrive at that position.

The work that Martin Luther King did in advancing the civil, political and legal rights of African Americans, of advancing the human rights of all people, is a tremendous step in the victory of equality and human rights in a global sense.

This is part of that struggle. We cannot separate it out. We cannot make a rationalization that somehow because it involved African Americans or people of colour that is human rights but this is not. This is about the application of the law. This is about our Charter of Rights and Freedoms. This is about what we do without prejudice and without bias and what we say to Canadians.

I am very sorry to hear that the member thinks that this is somehow a bogus issue. I hope that people in his constituency will discuss that question with him.

What we should be doing here today is affirming and upholding human rights and on that basis voting down this reprehensible motion.

• (1240)

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, first, I thank the hon. member for her great speech. She has, however, only partially answered the question put to her by my colleague from London—Fanshawe. I would like her to explain to this House what her response is when someone invokes natural moral law and what she thinks of it.

Whose moral law are we talking about? Does a single moral law apply universally or would it not be a slippery slope to embark on to speak of moral law and impose the morals of one person or group of persons upon another person or group of persons?

[*English*]

Ms. Libby Davies: Mr. Speaker, this is very implicit in the question that came from the Liberal member. It really gets to the essence of the question that a moral standard is being imposed by a political party on other Canadians.

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This is not a moral question but a question of a legal basis of human rights as applied through the Canadian Charter of Rights and Freedoms. That is how we should be debating and applying this issue. How people think personally is one thing but as members of Parliament, our duty is to apply the Charter of Rights and Freedoms. Our duty is to uphold people's rights, not diminish them. To bring in a moral question completely detracts and undermines what the debate is really about.

Mr. Vic Toews (Provencher, Canadian Alliance): Mr. Speaker, since the lower court ruling in Ontario in *Halpern v the Attorney General* struck down the definition of marriage as unconstitutional 14 months ago, this is the first opportunity that elected members of Parliament have had to discuss this issue on the floor of the House of Commons. Naturally, I am pleased to have the opportunity to address the issue of same sex marriage in Parliament, in the public, democratic forum that Canadians look to for both leadership and representation on social policy issues.

Unfortunately however, so far the expectations of Canadians have been frustrated on both fronts. Recent decisions regarding the status of the definition of marriage in Canada have taken place almost entirely outside of the context of public debate or consideration of the public's elected representatives, something which is astounding considering the magnitude of the societal change these decisions are likely to effect.

Most, if not all of us, agree that this debate today is long overdue and should be looked upon as a starting point for parliamentary debate on this important social policy matter. I would like to begin with a quotation and it states:

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

These are the words of the former justice minister, the current Minister of Health and MP for Edmonton West, from *Hansard* on June 8, 1999. On February 15, 2000, during the parliamentary debate on Bill C-23, the Modernization of Benefits and Obligations Act, she said:

This definition of marriage, which has been consistently applied in Canada and which was reaffirmed last year through a resolution of the House, dates back to 1866. It has served us well and will not change. We recognize that marriage is a fundamental value and important to Canadians.

She added, and I think importantly for this debate:

Important matters of social policy should not be left to the courts to decide. If parliament does not address the issue, the courts will continue to hand down decisions in a piecemeal fashion, interpreting narrow points of law on the specific questions before them. This guarantees confusion and continuing costly litigation. Most worrisome, it risks removing us from the social policy process altogether.

What she was talking about when she referred to us was the democratic institution of Parliament.

Just four years later, and the minister's words notwithstanding, the jurisdiction of Parliament to legislate on matters of social policy has been effectively derailed by the courts.

The 1999 promise to protect marriage was made by the former justice minister, the Prime Minister, the former finance minister who will soon become the next Prime Minister, the current Minister of

Justice, and by a total of 31 current cabinet ministers. They have broken their word to Canadians and they have consistently failed to clearly explain why they have done so.

Canadians expect better than this from their government. It is clear that the Liberals have failed Canadians and they have failed democracy. Despite the former and the current justice minister's promise to take all necessary steps to preserve the definition of marriage, they have failed to do so. Indeed, they have failed to take even the most basic step of appealing the decision of the Ontario Court of Appeal to the Supreme Court.

● (1245)

They have sat idly by while lower courts have improperly appropriated the jurisdiction to redefine marriage and the courts have fundamentally changed the definition of marriage.

Some have suggested that the charter is there to protect the minority against the tyranny of the majority. That is not correct. I find it amazing, coming from a party that calls itself the New Democratic Party, this absolute abdication of its responsibility as the democratic voice on social policy matters by simply turning them over to unelected judicial figures appointed by the Prime Minister.

The charter is not there to protect the minority against the tyranny of the majority. It protects everyone who relies on its provisions, regardless of whether one agrees or disagrees with the application of that principle.

We look at what are the principles in the charter. The institution of marriage is a matter that was specifically reserved for Parliament in 1982 and does not fall within the scope of the charter. As such, the time honoured rules of parliamentary democracy, including a majority vote, are applicable to this social policy issue. It is not for the courts to alter these rules. It is for the court to obey the law by properly applying the principles that Parliament enshrined in the charter.

If the charter is to be amended, the courts must, in our democracy, defer to the judgment of Parliament in respect of the nature of those amendments. There is a democratic deficit in the House and it comes from the frontbenches of our Liberal government.

They have failed to appeal the British Columbia and Ontario court decisions to the Supreme Court of Canada, despite the justice minister's clear responsibility as the chief law officer of Canada to uphold the jurisdiction of Parliament. As the Attorney General, the Minister of Justice does not have a responsibility to the government. He has a responsibility to the rule of law and he has substituted the rule of law for crass party politics. He has confused his political role as a Minister of Justice with the legal office he holds as the Attorney General and he has done the bidding of the Liberal Party rather than his duty as the Attorney General.

Despite spending \$250,000 and having heard from over 400 witnesses in person in a dozen cities with an additional 400 written briefs submitted, this minister simply decided to shut down the justice committee because he was not getting the response he needed to sell the same sex marriage debate to Canadians.

It is not enough that he shut down the justice committee. It is not enough that he refused to appeal the Ontario Court of Appeal decision. He went further to actively undermine those who would seek leave to the Supreme Court of Canada, who hoped to be able to argue their case in front of the Supreme Court to clarify that this was an issue that remained within the jurisdiction of Parliament and that the Supreme Court clearly tell the lower courts that they had overstepped their jurisdiction and had wrongfully appropriated the jurisdiction of this democratic institution.

● (1250)

The justice minister's reference to the Supreme Court does not address the constitutionality of the traditional definition of marriage. All it does is ask the court whether same sex marriage is constitutional. This softball lob to the Supreme Court is worded in such a way that the court has little choice but to agree.

What do the nine Supreme Court justices feel like, being used as a political tool by the Prime Minister and the Minister of Justice? They should stand up and say they will hear the appeal, they will do the right thing, and they will respect the jurisdiction of Parliament to make decisions on matters of social policy.

Then the Prime Minister attempts to pass this charade off with a so-called free vote. When the same sex legislation eventually comes before Parliament, sooner or later, even if it is soundly defeated in the House, same sex marriage will continue to be the law in Canada since it is now the law by default, by judicial fiat.

The Prime Minister told his caucus as much in a closed door meeting. Unfortunately, he has not shown the courage to tell the general public the same.

Even those countries that have legalized the marriage of same sex couples do not treat those relationships in exactly the same manner as the traditional marriage relationship. For example, in Belgium, same sex married couples are not permitted to adopt children. Furthermore, the decision to legalize same sex marriage in both the cases of Belgium and the Netherlands is not based on a judicial interpretation of human rights as is the case in Canada. It was done as a matter of social policy.

It is interesting to note that the final vote on Bill C-250 is scheduled to take place tomorrow. Make no mistake about it, Bill C-250 is one side of the same sex marriage debate. It is the side that brings the weight of the criminal law to bear on those who for one reason or another disagree with the institution of same sex marriage. The one agenda is to push same sex marriage, the other is to stop any criticism of it by the imposition of criminal penalties. Bill C-250 will further erode the ability of Canadians to speak out in a free and open manner.

The suppression of legitimate expression is a threat to our democracy, to our basic freedoms, and the values that are in fact enshrined in the charter of rights. There is no comfort in the promise of the justice minister that religious freedoms will be protected. He has broken his word in the past and there is no reason to take him on his word now.

I want to focus for a few moments on the assertion that some of the courts are simply adhering to the charter by imposing same sex marriage on Canadian society. The proponents of this view have

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conveniently forgotten that in 1981 the House of Commons subcommittee debated for two days whether to include sexual orientation in section 15 and it voted to leave it out. It voted to leave it within the jurisdiction of Parliament to determine. Of course the courts wrongfully appropriated that jurisdiction by improperly amending our Constitution.

The last clear statement we have from the Supreme Court of Canada on this issue is from Mr. Justice La Forest. It should be stated that those who would discount that judgment failed to point out that of the four judges who agreed with the La Forest judgment, none of the others disagreed. They were silent.

The last clear statement we have from four judges of the Supreme Court who constituted the majority decision in Egan was a defence of the definition of a marriage and the rejection that Parliament, providing special support and recognition to the traditional definition of marriage, does not constitute discrimination against other types of relationships, including common-law heterosexual relationships or homosexual relationships.

● (1255)

To avoid living up to the responsibilities, the Prime Minister and the Minister of Justice said in respect of the 1999 resolution that they did not somehow realize that this might involve a commitment to the use of the notwithstanding clause. As the leader of the Canadian Alliance stated earlier, that is an argument that is without merit. However I want to make it easier for anyone who has any concerns about voting for the traditional definition of marriage as one man and one woman because of the reference to all necessary steps in the 1999 motion and the motion here before us.

Accordingly, I make the following motion, seconded by the member for Crowfoot. I move:

That the motion be amended by deleting all the words after the word "others".

I will bring this forward Mr. Speaker, and I am sure the Clerk will pick that up.

Today I say to this Minister of Justice, the cabinet and colleagues, now is the time to end the deafening silence and tell Canadians where we stand. Do we believe in the traditional definition of marriage or not?

With my proposed amendment, the motion is clear. Where do we stand on the definition of marriage? It is time to end the kind of nonsense that the Liberals have tried to raise in order to take a clear stand on this issue. Will members reaffirm the definition of marriage as being one man and one woman to the exclusion of all others or do members vote against that definition?

The members' votes on the amended motion will tell Canada where they stand.

● (1300)

The Deputy Speaker: If I could address the House, particularly the member for Provencher who has provided the House with an amendment, I want our officers at the Table to verify the procedural aspects of the amendment. In the meantime, I would like to pursue the debate with questions or comments. The hon. member for Dufferin—Peel—Wellington—Grey.

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Mr. Murray Calder (Dufferin—Peel—Wellington—Grey, Lib.): Mr. Speaker, I would like to compliment the member for Provencher on his amendment. It is a very good one.

I have a question and I know he has good legal knowledge. What caused this whole issue with an appointed justice, which causes me a lot of problems, is the fact that they used section 15.1 out of the charter and within that the justice said that equal meant identical. Thereby they struck down the law.

I believe the answer then to that is to take marriage out of civil law and replace it with civil union and leave the sacrament of marriage where it should be which is within the church.

I am not saying that there cannot be a same sex marriage because there are churches that will perform that ceremony, but it satisfies section 15.1 within the charter and it would not discriminate against the church because the church can perform the ceremonies based on whatever its religious beliefs is. I would like the member's comment on that.

Mr. Vic Toews: Mr. Speaker, those are all good points that have been raised and I thank the member for bringing them forward.

These are exactly the kinds of discussions that we should have in Parliament. It should not be up to the courts to dictate this issue for us. I take issue not with the member's comments as much as I do with the appropriation by the courts of this entire social policy issue, effectively stifling debate in the House. This is a complex matter.

I refer the courts and the member to some of the earlier charter decisions where the courts said that they did not create these rights in a vacuum, that they looked at the historical, cultural, social and all aspects of our society in arriving at a definition of what these principles include. What we increasingly have seen is the courts simply substituting their own political decision for that of elected representatives.

There should be deference by the courts in respect of defining this kind of an issue when they knew that this was an area of the law that was specifically reserved to Parliament, not only under the BNA Act of 1867 or the Constitution Act, 1867, but through the votes that led up to the debate of the final drafting of the charter.

The comments that the member makes are worthy of debate and the place to debate them is here. I would like to hear the Supreme Court of Canada say that those lower courts were wrong in appropriating that jurisdiction, that the hot potato should be sent back to Parliament and let parliamentarians stand, earn their money and make the decisions.

• (1305)

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, it is important that parliamentarians stand and tell the truth about what has happened, both in Parliament and in the courts. The fact of the matter is that this member should know that in 1981, while a motion to explicitly include sexual orientation in section 15 of the Charter of Rights was rejected, the minister of justice at the time explicitly stated as well that he was leaving section 15 open-ended to allow for the possibility that the courts might in future include new grounds, including sexual orientation.

In fact in 1985 a parliamentary committee made up of five Conservatives, one Liberal and one New Democrat, myself, travelled across the country to hear the views of Canadians about what section 15 should in fact encompass. Should it include sexual orientation and other grounds? That parliamentary committee made up of elected representatives unanimously said yes, that section 15 should in fact prohibit discrimination based upon sexual orientation. It was in March of 1986 that the then minister of justice, John Crosbie, accepted that.

When the member stands and says that the courts are taking on jurisdiction, that they are not listening to Parliament, the fact of the matter is Parliament almost a decade before the Supreme Court included sexual orientation in Egan and Nesbit. Parliament spoke then.

Finally, I would point out that Parliament spoke through the justice committee earlier in saying "Accept this resolution". Tell the truth.

An hon. member: Out of order, Mr. Speaker, out of order. Throw him out.

The Deputy Speaker: I know this issue, as with others from time to time, raises some very strong views and strong emotions to express those views, but ultimately Canadians look to us to debate, to express our views, as differing as they might be from time to time, as is quite often the case from one side to the other and quite appropriately, and to conduct ourselves and our business in a fashion that is respectful of one another and of the matter being debated on the floor of the House. I would simply appeal to everyone to be mindful of the tremendous importance of the subject matter and the attention that it is being given.

The hon. member for Provencher.

Mr. Vic Toews: Mr. Speaker, it does not surprise me that member, who puts the jackboot of fascism on the necks of our people with Bill C-250, would say things like that. I expect it of him, but I thank you, Mr. Speaker, for bringing the member in line. It will not do any good because his ideology is fascism and not free speech.

In respect of the specific issue that has been raised by this individual and the comments of the Prime Minister, I believe somewhere in the range of January 29, 1981, the Prime Minister who was then minister of justice stated that he did not want sexual orientation in the Charter of Rights. He was remarkably clear for that individual that it had no place in the Charter of Rights. Perhaps at another time he said something else and it does not surprise me if he did because he likes to be on many sides of every issue.

In 1985 after the Constitution was drafted, the committee members went around and came up with a resolution saying that they should include sexual orientation. I am taking the member's word for that. I will have to check that out but I will take his word for it.

The proper response then is to bring an amendment to the Charter. It is not to say, "We five committee members we would like it changed, so maybe the judges will do the work for us". If one wants to change the Constitution there is a process and it does not simply involve passing a resolution of a committee. It involves passing a resolution of this House, the other place and the proper representation from the provinces.

• (1310)

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, I want to say that I have great agreement with much of what the member opposite has said. To me this struggle is not so much an issue of the definition even of marriage as it is a struggle about the supremacy of Parliament and the life of the charter. If we have a situation where unelected judges can overtake the decisions of Parliament, how can we expect Canadians, particularly new Canadians, to have confidence in Parliament and have confidence in the charter when the charter is used to destroy revered institutions?

Mr. Vic Toews: Mr. Speaker, I think that is the point exactly. I want to commend the member for Ancaster—Dundas—Flamborough—Aldershot for some of the other work that he has done in respect of trying to open up the institution of Parliament.

Parliament, with all of its defects, is not reason enough to simply say there are shortcomings in our democratic process. That member and other members have worked hard to make this a more democratic process. Certainly for members of the Canadian Alliance and Preston Manning, the former leader of my party, that was the *raison d'être* to come here. Yes, this is not only about the institution of marriage. This is about the institution of Parliament, and I thank the member for bringing that up.

The Deputy Speaker: Before calling for the resumption of debate, let me inform the House that the amendment provided by the hon. member for Provencher, seconded by the member for Crowfoot, is in order and reads as follows:

That the motion be amended by deleting all the words after the word "others".

Just for everyone's benefit, let me read the motion now as it stands with the amendment:

That, in the opinion of this House, it is necessary, in light of public debate around recent court decisions, to reaffirm that marriage is and should remain the union of one man and one woman to the exclusion of all others.

Mr. Andrew Telegdi (Kitchener—Waterloo, Lib.): Mr. Speaker, I will be sharing my time with the member for London—Fanshawe.

Since this is a debate that is taking place across the country right now I would caution that we take it easy on the rhetoric. Referring to people as jackboots of fascisms is totally inappropriate. As a matter of fact it trivializes the sufferings of millions and millions of victims who have actually suffered the jackboots of fascism under Adolf Hitler, Joseph Stalin and other dictators.

Having said that, I certainly want to pay tribute to my parents: my stepfather, who survived the Holocaust as well as a Communist dictatorship; my mother, who was a Catholic and who actually had the guts to marry a Jew.

I also pay tribute to Buddy Recalma who died around the end of last year in Qualicum, British Columbia. Buddy Recalma was an hereditary chief who he gave me a gift which I try to wear at times

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when we are dealing with issues of human rights. That gift is my lapel pin, which was to commemorate the 60th anniversary of the Native Brotherhood of British Columbia. Buddy Recalma was a survivor of the residential schools. He was a victim of policy by the government and the churches to commit cultural genocide against our first nations.

We are also talking about things like religious freedom. Let me say that I had two wonderful examples in my life. One was Joseph Mindszenty who was a Catholic bishop when he was imprisoned by the Germans. He was made an archbishop and was jailed by the Communists. It was not until the Hungarian revolution that he was freed. Eventually he was made a cardinal.

The second was Bishop Laszlo Tokes who stood up against the tyranny of the Ceausescu regime in Romania and he helped to make that dictatorship fall.

We are talking about an evolving society that changes. Back in 1692 we had the Salem witch hunts. Looking at Canada's history, we had the cultural genocide against the first nations. We also had the Asian Exclusion Act, the Chinese head tax and the internment of Ukrainians and Japanese. We also had a policy of non-immigration for the Jews. We had an Immigration Act that was not repealed until 1976 when we removed the colour barrier to immigration to this country.

I mention those things because I think it is that history that resulted in the Charter of Rights and Freedoms being enacted in Canada on April 17, 1982. I think what is so critically important for members of the House to understand is that by passing the constitution we have a constitutional democracy instead of a parliamentary democracy, notwithstanding the fact that we have the notwithstanding clause in the constitution. Under fundamental freedoms it talks about the freedom of conscience and religion. Under section 15, the equality rights section of the charter, it is critical for people to understand what it says.

• (1315)

Section 15 states:

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

Given the history of this country, it is important to understand that we have matured. We recognize that when we are dealing with the issue of rights, the determination of human rights and civil liberties is left with the courts.

I want to read subsection 52.1 of the Constitution Act. It states:

The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.

That is critical because we are saying that instead of having rights determined by the popular will at the time, it is determined by our laws in our courts. I can tell members that the Chinese head tax was very popular in its time. The internment of Japanese members was very popular in its time. There were all sorts of politicians who made a career out of fostering hatred and were very successful at it.

Supply

When I say that the Charter of Rights and Freedoms is the document that rules on this question, it is important that we all understand it because it is one of the foundations of Canadian society.

It is amazing that young people do not have the same kind of problem as older people have with this concept. As a matter of fact, they look to the charter and they look to our courts. In some ways they look upon us in Parliament as being irrelevant, and that is very sad.

Tomorrow we will be dealing with another piece of legislation, the hate propaganda bill. Tomorrow we will be voting to lend the protection of the legislation that we have on hate crimes and put it into the Criminal Code so that the people who are now victimized, a very vulnerable group, will be afforded the protection of the law that we afford to other areas, such as ethnic origins, religion, colour and nationality.

It is interesting that some of the same debates are taking place in the United States of America. It was not until just recently that the supreme court struck down Texas sodomy laws. It is amazing because 17 years before that, the supreme court ruled the other way; 17 years later, the supreme court saw the need to strike down that law.

When we talk about discrimination and hate crimes against gays, we have to understand that we are dealing with a vulnerable group in our society. Maybe the member for Burnaby—Douglas does not look that vulnerable but there are people in this country and on this continent who are killed for no other reason than their sexual orientation, and this is no joking matter.

I will conclude in a very real way. We are dealing with an issue that is causing us some discomfort, but if we think back about 40 years ago when we were dealing with the segregation in the United States of America, the courts had the courage to stand and strike down segregation. We had police dogs attacking blacks. We had the Ku Klux Klan attacking blacks. I am sure all of us, especially in my age group, remember that, but let us not forget that it was on September 15, 1963 that the Ku Klux Klan bombed the 16th Street Baptist Church in Birmingham, killing four pre-teen girls. America was in flames. Within months the President of the United States was assassinated.

● (1320)

In our Canadian way, yes, we have strong words, yes, we have strong feelings but we have to understand that discrimination has no place in a country that is so very proud of its Charter of Rights and Freedoms.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I commend the previous speaker, the member for Kitchener—Waterloo, for his very strong condemnation of the invoking by the previous Alliance speaker the image of the jackboot of fascism in the context of this debate and directed at those who would advocate the full right of same sex couples to marry in a civil ceremony in our society.

Not only is it profoundly disrespectful of the six million Jews and many hundreds of thousands of others who were murdered in cold blood in the Holocaust, but it displays a profound ignorance by that

member of the lessons of history, particularly the lessons of the Holocaust. It is a matter of fact that tens of thousands, we do not know for sure the number, possibly hundreds of thousands, of gay citizens of Germany were exterminated in the Holocaust. I cannot believe for a moment that the Alliance member does not know that fact.

I think the member for Kitchener—Waterloo is to be commended for he has set out a very clear argument that anything in law that renders a citizen less than equal to all other citizens is an appropriate matter for human rights struggles and human rights concerns.

We have heard the argument again and again from Alliance members that somehow allowing the courts to dictate the definition of marriage is completely unacceptable.

I would like to ask the member whether he sees any evidence in the kinds of arguments that we have heard today from the official opposition members who have spoken or leading up to this debate today that if the Parliament of Canada does redefine marriage as between two persons, including same sex couples, that they will accept that as a just and fair definition of marriage and stop railing and ranting against the judiciary as if this were not a matter of concern to Canadians.

● (1325)

Mr. Andrew Telegdi: Mr. Speaker, there is no question that when we are dealing with rights and equality we cannot pick and choose. As soon as we get into that game we do not have equality and we do not have an end to discrimination.

I am not sure at what point the Alliance will embrace the charter but I can say that I strongly believe Canadians have embraced the charter. Let us make no mistake, the courts and the charter are under attack. Some people do not like it but I think there are a lot more Canadians ready to stand and defend it than there are to tear it down. However at some point in time I think they will embrace the charter because their constituents will have embraced the charter. I think that is the direction that we are heading.

It is important to remember that we cannot pick and choose who gets equality. Canada is a collection of minorities. At any one particular time we might be on the majority side in terms of opinion but the next day we could be in a minority position that we represent. It is the courts that will create that fairness and interpret rights, not the politicians. The politicians are not judges.

If we were to look at the segregation in the United States we would see that all sorts of politicians made a career on the basis of discrimination, such as George Wallace, Lester Maddox, and the list goes on and on.

Mr. Pat O'Brien (London—Fanshawe, Lib.): Mr. Speaker, I firmly believe that all persons, including homosexuals, deserve to be treated with dignity and respect. However, that does not require us as a nation to redefine marriage so as to include persons in a same sex relationship. To do so would be illogical and, in the minds of millions of Canadians, immoral.

On August 29, 2003, I wrote an open letter to the Prime Minister. I would like to quote from that letter now. It states:

Dear Prime Minister,

At our National Liberal Caucus in North Bay you gave a public speech with which I strongly disagree and to which I feel compelled to respond publicly. You cautioned the many Liberal M.P.s who oppose redefining marriage to include same sex unions, not to fall into the “trap” of the Canadian Alliance. Your advice in this matter is politically simplistic and dismissive of the serious concerns of many members of our caucus.

Your advice misses the point completely: that this divisive debate transcends partisan politics because of the enormity of the issue. For me, preserving and protecting the traditional definition of marriage is a core moral belief on which I cannot compromise in good conscience. I made my view abundantly clear in a letter to then Justice Minister Anne McLellan in November, 1999, in which I stated “Same sex marriage is an oxymoron. No Court can make it otherwise”.

Tens of thousands of real Liberals share this view and none of us are being duped by anybody, least of all the Canadian Alliance, with whom we will continue to disagree on most issues of public policy.

You also stated that the demand for so-called same sex marriage “is not about weakening the Canadian social fabric.” With all due respect, Prime Minister, on that point, you are as wrong as you could possibly be.

Listen to the words of John McKellar, executive director of H.O.P.E., Homosexuals Opposed to Pride Extremism, who said it is “selfish and rude for the gay community to push same sex marriage legislation and redefine society's traditions and conventions for our own self-indulgence. Federal and provincial laws are being changed and the traditional values are being compromised just to appease a tiny, self-anointed clique”, who represent only a fraction of the gay community which McKellar estimates to be, in total, only two to four per cent of the Canadian population.

During seven months of hearings at the Justice Committee of the House of Commons, we heard compelling evidence from experts in the fields of anthropology, physiology, psychology, sociology, history, law and religion. These experts argued convincingly that to redefine marriage so as to include gay and lesbian unions would pose several serious threats to the stability of Canadian society.

I implore you, Prime Minister, to familiarize yourself with this evidence and think again about the potential deleterious effects to the Canadian social fabric if you continue to follow those who would so cavalierly and illogically threaten the institution of marriage as Canadians have defined it for the entire history of our nation.

Prime Minister, you stated further that you “have learned over forty years in public life that society evolves”, and you offer this observation as a sort of rationale for your acquiescence in the attempt to redefine marriage, as if this change is somehow inevitable and thereby, transformed into a right which must be defended. Well, Sir, I beg to differ. Consider the evolution of Quebec's society resulting in the separatist movement. Does the change the separatists want make it inevitable and even a right to be defended? I think not, and so must you, based on your courageous fight against the separatists throughout your entire career.

Obviously I do not equate the demand for same sex marriage to the separatist movement, however, I do challenge the specious logic, which says that because both demands represent change, they are somehow inevitable and even desirable. Based on my twenty-three years in public life, I would argue that not all changes that occur in society are either positive or inexorable. Simply because society evolves is not sufficient argument for discarding the traditional definition of marriage and redefining it in a way which is totally illogical, and, to millions of Canadians, immoral.

● (1330)

Finally, Prime Minister, you advise, “at the end of the day, we have to live up to our responsibilities”. On that at least I agree, and that is why, as long as I am a Member of Parliament, I will vote against any and every attempt to redefine marriage.

As leader of the Liberal Party, I would argue that you should follow the clearly expressed will of the party at the Biennial Meeting in March, 2000, when the members of the Liberal Party defeated a motion to endorse recognizing same sex marriage.

Previously, in June, 1999, you were one of 216 M.P.s who voted to uphold the traditional definition of marriage as “one man and one woman to the exclusion of all others”. You further voted to take “all necessary steps” to defend that definition. What has changed since that time? Three Ontario Judges in an arrogant, activist ruling instantly redefined marriage thereby deliberately overruling the repeated statements of Parliament in defence of the traditional definition. Now that very judgement and others similar are being used as justification for redefining marriage, as if it was not only inevitable but also somehow just and good. Sadly, you failed to

Supply

act when called on by many Canadians to appeal that arrogant judicial decision. To millions of Canadians that is unacceptable! To me that was an enormous mistake!

Prime Minister, I call on you now to show real leadership and keep your word to Canadians. You alone have the power to lead. In speaking of the notwithstanding clause—

And I note, Mr. Speaker, that this possibility is now removed from this motion, but it is part of the larger debate.

—in the past you have said that, “there are some situations where it is absolutely needed... without it you leave all decisions in the hands of the courts”. Marriage is the issue and now is the the time to follow your own advice and use the notwithstanding clause to defend marriage.

And I stress: if necessary.

I know my time is short. Tomorrow in the House of Commons I will present petitions from thousands of Canadian citizens who live in southern Ontario. These petitioners will be calling on the Government of Canada to defend the traditional definition of marriage, which is thousands of years old and predates any known state in the history of the world.

The heterosexual understanding of marriage is endorsed overwhelmingly by the five major world religions: Buddhism, Christianity, Hinduism, Islam, and Judaism. As well, the two officially atheistic giants, the former Soviet Union and the People's Republic of China have both supported heterosexual marriage.

Surely there are very sound historical and societal reasons for this common understanding of what marriage is. In my view, it would be both foolish and dangerous to discard the traditional definition of marriage. I cannot in good conscience and I will not support any attempt to redefine marriage.

Like all who have spoken, I could use another 10 minutes, but I know I only have probably about one. I will wrap up with three major arguments. There is the bogus human rights argument. I dealt with that earlier in a question.

There is the question, “Where is the harm?” The member for Burnaby—Douglas puts this question all the time. I do not have time to explain the harm, but we can review the evidence from the experts, some of them even gay and lesbian people themselves who honestly admit that there are very serious consequences for what this government is proposing to do.

Finally, there is the question of following the people under 25 or 30, who are all for doing this, for changing the definition of marriage. As a teacher and student of history, I know that most societies, if not all in the world, have traditionally followed the wisdom of their elders. And the elders in Canada are opposed. I am opposed, and I will vote against redefining marriage.

Supply

•(1335)

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, I have two questions for my hon. colleague from London—Fanshawe.

My first question is: In debate with my hon. colleague from Vancouver East, he spoke of moral law, saying that we must follow moral law. I would like to know what moral law he was referring to? His own? Mine? That of the Catholic Church? Of the United Church? Of the Evangelical Church? Was he alluding to Liberal Judaism? What moral law was he referring to, or is there just one universal one?

My second question is: How can he contend that the five major world religions are in favour of maintaining the definition of marriage as the union of one man and one woman, when the United Church, which is the main Protestant denomination in Canada, wants the definition changed? And so do the Unitarian Church and Liberal Judaism.

Yesterday, at a press conference, Rabbi Garter, of the Temple Israel Synagogue of Ottawa, told us how much he would like this definition to be changed and that, in his opinion, this change was essential. On what basis can he make such a statement then? He was there, like me, yesterday at the Standing Committee on Justice, when several religious leaders came and told us they were prepared to see the definition changed. How can he make such a statement?

[*English*]

Mr. Pat O'Brien: Mr. Speaker, first I want to say there are those who are crying “let us have respect in this debate and let us have tolerance” and then show precious little. My colleague opposite has shown both respect and tolerance in the debate and I applaud him for that even though he and I strongly disagree on this issue and will continue to.

I will respectfully answer his two questions which were respectfully put. In my view, yes, there is a creator, called by various names, that started this world. There are different views of how it was started. The key principle of that creator is that all human life is sacred, and that is the natural moral law which I think is endorsed by the overwhelming percentage of the population of the universe and has been over time.

Yes, there is one natural moral law in my view, which descends from the creator. I am not getting into the denominational invitation the member gave me. That is not the point. It is the natural moral law that all human life is sacred. I would argue that to try to take something, a same sex relationship, and try to call that marriage, goes against and transcends that natural moral law. This is the moral belief of millions of Canadians and billions of people around the world, of various religions.

The second question my colleague put speaks to the fact that not all of the great religions are unanimous. I never used the word unanimous. I used the word overwhelming. Indeed, in my own particular denomination there are a few voices who are on the opposite side of this, even in the clergy, but precious few, I note. It is the same in most of the great religions. They are certainly the exception.

A number of my constituents are Muslims of the Islamic faith and they are overwhelmingly opposed to changing the definition of marriage. I do not share their religious views, but I share their views on the natural moral law my colleague spoke about.

•(1340)

Mr. Grant Hill (MacLeod, Canadian Alliance): Mr. Speaker, the member for London—Fanshawe was a member of the justice committee when it was travelling and he did touch on the overwhelming evidence that was presented to the justice committee on this issue of same sex marriage.

For the benefit of Canadians who were not privy to those discussions, could he summarize the justice committee and the information it got and might he speculate on why that justice committee was shut down?

Mr. Pat O'Brien: Mr. Speaker, the justice committee process I was part of was perhaps the most disrespectful and undemocratic process I have been through in 23 years of elected office. The committee was stacked to achieve a vote that it looks like was wanted by the upper echelons of the government. Three Liberal members, colleagues of mine, refused to come out of the hall to give us quorum along with some other opposition members so that we could even discuss another view opposite to theirs. It was an incredibly disrespectful process. I was very disappointed. It was a sad day to be a member of Parliament, let alone a member of that committee.

One colleague on the committee said there were more witnesses who supported same sex marriage than not. That is not the point and my colleague has referred to it. The preponderance of evidence, particularly the expert evidence from various fields, overwhelmingly argues for leaving the definition of marriage exactly as it is. It has served this country and this world quite well.

Mrs. Carol Skelton (Saskatoon—Rosetown—Biggar, Canadian Alliance): Mr. Speaker, I am very pleased to share my time today with the hon. member for Okanagan—Coquihalla.

The issue that has brought us here is our shared concern over the court decision that has ordered Parliament to redefine the institution of marriage to include same sex couples.

Most Canadians believe that the institution of marriage is an important part of our society. The legal definition of marriage, the voluntary union of one man and one woman to the exclusion of all others, has existed in Canada since Confederation and the Canadian courts have consistently applied this definition until very recently. Let me say in no uncertain terms, I support the traditional definition of marriage.

Lower court rulings this summer in Ontario and Quebec ruled that same sex couples are entitled to be legally married and ordered Parliament to change the laws accordingly.

Initially the justice minister appealed the trial court decision and referred the matter to the House of Commons justice committee to get input from Canadians. Hearings were conducted across Canada for several months and thousands of Canadians submitted their views through written briefs or oral presentations. The overwhelming response that committee members received through mail and telephone calls reflected a strong desire in retaining the traditional definition of marriage.

Although the justice minister asked the justice committee to travel across the country and hear representations on same sex marriages from all walks of life, he did not wait for the committee to produce its report before making a final decision on this matter. He simply accepted the decision of unelected judges. This undemocratic process has effectively silenced the voices of thousands of Canadians who submitted briefs and made oral presentations to the committee.

Let me make one other point clear at this time. The jurisdiction to review and strike down laws that violated the Constitution that was given to the courts by the Charter of Rights and Freedoms in 1982 did not include jurisdiction for the courts to rule on the issue of sexual orientation. During the debates and numerous votes that led to the final draft of the charter, Parliament was very clear in holding that the issue of sexual orientation did not fall within the scope of the text of the charter. This issue was to remain within the scope of Parliament's jurisdiction to consider and legislate.

Notwithstanding the clear direction of Parliament, the courts have simply ignored Parliament's decision and improperly amended the Constitution themselves by reading in the term "sexual orientation" into our Constitution. It is on that erroneous basis that our courts continue to act.

In 1999 members of Parliament voted 216 to 55 in favour of a motion brought forward by the Reform Party, now the Canadian Alliance, holding that marriage should remain the union of one man and one woman and to take all necessary steps to protect that definition.

The Prime Minister, the current justice minister and the future Liberal leader all voted in favour of the motion at that time, although all three now have changed their position to agree with same sex marriage. In fact, the then justice minister, the member of Parliament for Edmonton West, speaking for the Liberal government, assured Canadians of the government's intentions when she stated:

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

She went on to assure Canadians:

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

Why did the Liberal government mislead Canadians? Why have the Liberals broken their promise from barely four years ago?

• (1345)

The Liberals promised to take all necessary steps to preserve the traditional definition of marriage. They have now broken that promise.

Supply

Their new promise is to protect the rights of religious organizations to refuse to marry same sex couples. This does not in any way comfort us. In recent years we have seen a Catholic school forced to allow a same sex date at a school prom, despite constitutional guarantees of religious independence. We have seen a teacher and guidance counsellor suspended without pay for expressing an opinion on teaching material. We have seen a printer fined for refusing to print in his own shop materials that conflicted with his religious views.

The Liberals have so far failed miserably in protecting religious freedom and there is no reason to believe that they will now begin to do so effectively. In an attempt to leave the impression that Parliament will in fact determine the definition of marriage, the Prime Minister has announced that there will be a free vote on the legislation that he has referred to the Supreme Court on the issue of same sex marriage. This legislation is without legislative or constitutional significance if the present charter does not protect existing religious freedoms. The proposed legislation will do nothing of the sort.

Furthermore, the free vote offered by the Prime Minister to members of Parliament on same sex marriages is meaningless. The proposed legislation will simply spell out the procedural basis by which these marriages will be implemented. Even if Parliament rejects the proposed legislation, same sex marriages are now legally valid in Canada. This so-called free vote is simply a cynical communications exercise by the Liberals to try to hide the fact that they have let unelected judges make the laws of our country.

Such a fundamental change to an important social, legal and religious institution as marriage should not even be contemplated without the input of Canadians and elected parliamentarians. Unfortunately, just the opposite has happened and this issue has been forced on Canadians by an unelected and unaccountable judiciary.

Canadians must continue to call for the Liberals to live up to their promise to Canadians to defend marriage. The Canadian Alliance has consistently maintained that we will live up to the commitments that Parliament made on this issue in 1999. The Canadian Alliance will continue to call on the Liberal government to keep its promise to Canadians. I would encourage each and every person watching to contact the Minister of Justice, the Prime Minister and the prime minister in waiting to remind them of the commitment they made on the issue in 1999.

The Canadian Alliance firmly believes that this is an issue that should be decided by Parliament after MPs have heard from all Canadians, not the courts. This issue relates not only to the institution of marriage, but deals fundamentally with the institution of Parliament and our future as a democratic nation.

Democracy was not a gift that came easily to the western world. Let us be very vigilant before we entrust its future to those who are not accountable to the people, or those who, like our Liberal government, take the voice of the people for granted.

S. O. 31

●(1350)

Mr. John Bryden (Ancaster—Dundas—Flamborough—Aldershot, Lib.): Mr. Speaker, in the Halpern case in 2001 before the Ontario Superior Court, the court then cited the modernization of benefits act, C-23, and the definition of marriage as a heterosexual union that was put into that legislation in the year 2000. The court dismissed that definition as the preamble of the legislation, which incidentally it was not, it was part of the body of the legislation. Nevertheless it dismissed that definition of marriage as a union of a man and a woman to the exclusion of all others on the justification that it was not really meant to be a legislative definition, it was merely a clarification.

Had that judge read the debates in *Hansard* he would surely have come to another conclusion.

The question for the member is, if the courts can change the law without paying any attention to the debates of Parliament, is there any point in Parliament having debates at all?

Mrs. Carol Skelton: Mr. Speaker, not being a lawyer I cannot give a legal opinion, but I agree totally with the member that there is no place for Parliament at all if the courts can come forward and make these kinds of decisions.

Ms. Alexa McDonough (Halifax, NDP): Mr. Speaker, I listened very carefully to the comments of the member for Saskatoon—Rosetown—Biggar. I want to admit at the outset that I do not even like in my own response the kind of intolerance that I find rushing to the surface in response to some of the arguments that I find so offensive that are offered in this debate. I work hard at trying to curb that reaction.

I listened very carefully to the member. She is not the only member on both sides of the House who has invoked the argument that the institution of marriage is so important to our society that we have to protect it. She talked about it being central to the lives of many Canadians. I find myself struggling to try to understand that if that is the weight of the argument, what is it that makes it impossible for such members of Parliament to extend the full benefits of traditional marriage to same sex couples?

I want to ask a question of the member quite sincerely. If she were the mother of a daughter who was involved in a same sex relationship and who wanted to commit to all of the aspects of a traditional marriage and take on the responsibilities and the obligations that go with that and engage in the joyful expression of that in a public way as we celebrate other marriages, would she not have a problem denying that opportunity to her own daughter?

If I could go one step further and ask the member to try to imagine if she had a daughter who was involved in a same sex relationship and her daughter bore and was raising a child, would she not have difficulty in saying to her grandchild that his or her parents had no right to celebrate their marriage as an institution equal to the marriage relationship that is available to all other citizens? I ask that question in all sincerity because I think that is something that every member of Parliament should be prepared to recognize as being at the heart of this debate.

●(1355)

Mrs. Carol Skelton: Mr. Speaker, I am the mother of three children and the grandmother of five granddaughters. I love every one of them dearly. I believe that Parliament, and not the courts, should make the decisions for my children on social issues.

Ms. Alexa McDonough: Mr. Speaker, I do not for a moment doubt that the member loves her children and her grandchildren. Of course she loves them.

I want to beg her again to address the questions I raised. If one of those children that she loves wanted to participate in the full aspect of marriage as an equal to other citizens who enjoy the full benefits of marriage, could she deny it? To go further, would she address the question of whether she could deny her grandchildren the opportunity for the parents of those grandchildren who happen to be a same sex couple to enjoy the full benefits of marriage in our society?

Mrs. Carol Skelton: Mr. Speaker, other than the label of marriage, my children can enjoy everything else.

Mr. John Bryden: Mr. Speaker, I rise on a point of order. Yesterday I raised a point of privilege in the House and *Hansard* made an error that I would like to see corrected on the record.

In citing a justice of the Ontario Superior Court of Justice, the audio record will reveal that I cited it as Mr. Justice LaForme. In *Hansard* it is the wrong name. I hope the record will be corrected. It is a pity because I thought it was an important point of privilege and I would certainly want the record to be exact.

STATEMENTS BY MEMBERS

[*English*]

THE ENVIRONMENT

Mr. Julian Reed (Halton, Lib.): Mr. Speaker, today is the International Day of the Ozone Layer. Canada was a principal architect of the 1987 Montreal protocol, which phased out substances that damage the earth's ozone layer. This year's theme, "Save Our Sky: There is a Hole Lot More to Do for Our Children", emphasizes the need to remain vigilant about this important issue.

The Canadian government continues to work in cooperation with other countries to research the state of the ozone layer and fulfill our international obligations to protect the global commons.

Preservation of the earth's ozone layer continues to be equally as important today as it was 16 years ago. We have had much success thanks to the efforts of Canadian citizens, scientists and corporations.

I ask all members to join me in promoting these efforts to Canadians, especially to students and young people.

* * *

FIREFIGHTERS MEMORIAL

Mr. Gary Lunn (Saanich—Gulf Islands, Canadian Alliance): Mr. Speaker, during the second world war, 422 Canadian firefighters volunteered to assist their British allies in helping save lives on the home front. They were known as Team Mitzi.

Today, a senior team of Canadian firefighters is attending services at St. Paul's Cathedral, unveiling the National Fallen Firefighters Memorial. The memorial includes the names of three Canadians: J.S. Coull, A. Lapierre and L.E. Woodhead. These men made the ultimate sacrifice fighting fires during the darkest days of the London blitz.

The monument erected today will ensure that their service and the 1,000 other firefighters who died alongside them are never forgotten.

Canadian firefighters put their lives on the line every day. Today we pay tribute to a proud moment in the history of Canadian firefighting. I encourage all Canadians to take a moment of silence and remember the sacrifice of the brave men of Team Mitzi.

* * *

• (1400)

CAMBRIDGE CHOIR

Mr. Janko Perić (Cambridge, Lib.): Mr. Speaker, the Cambridge Kiwanis Boys' Choir and Young Men's Chorus celebrated its 25th anniversary with performances in cathedrals and historical churches throughout England.

For 25 years, the choir has performed at community centres, senior citizens' residences, and hospitals and churches in Canada, the United States, Europe and Asia. Founded by James and Jean Kropf, this remarkable choir is a member of the Royal School of Church Music, Choirs Ontario and the Choristers Guild and is supported by the Kiwanis Club of Cambridge. The choir has produced six impressive recordings and has been featured on local and national television.

I join all members in congratulating the Cambridge Kiwanis Boys' Choir and Young Men's Chorus on their many achievements and I wish them another 25 years of success.

* * *

[Translation]

RIDING OF LÉVIS-ET-CHUTES-DE-LA-CHAUDIÈRE

Mr. Christian Jobin (Lévis-et-Chutes-de-la-Chaudière, Lib.): Mr. Speaker, it is with some emotion that I rise in the House of Commons today to make my maiden speech.

An hon. member: Hear, hear.

Mr. Christian Jobin: Mr. Speaker, first I would like to say how proud I am to have been elected the member of Parliament for Lévis-et-Chutes-de-la-Chaudière and to be able to work with all the members of this House.

My riding, Lévis-et-Chutes-de-la-Chaudière, is located opposite Quebec City and borders the St. Lawrence Seaway over a distance of 45 kilometres. It is a rapidly developing riding, socially, economically and industrially, and is making great strides with respect to tourism as well.

I would like to remind you that the riding of Lévis-et-Chutes-de-la-Chaudière includes the second largest refinery in Canada, namely Ultramar, and also the Davie shipyard which also has the two largest drydocks in Canada. The shipyard is in difficulty and deserves the

help of all parliamentarians in order to permit competition in shipbuilding within Canada.

I thank the House for its attention and for its welcome.

* * *

[English]

B.C. FOREST FIRES

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Mr. Speaker, I am honoured to rise today to pay tribute to the people of Kamloops, Thompson and Highland Valleys and the many other British Columbians who have endured and battled this summer's fierce forest fires.

Cohesion, compassion and a pioneering spirit are our greatest weapons against such adversity. I want to thank the countless volunteers and professionals who assisted both directly and indirectly in fighting the fires, as well as those who continue to devote their time and energy to the recovery effort.

I want to make special mention of the Mennonite Disaster Service, whose volunteers from the riding of my colleague from Provencher and other areas pitched in to clean up the aftermath.

I also want to thank the ranchers from the riding of Wild Rose, Alberta, who have come to the rescue with generous donations of hay and straw for the multitude of livestock whose pasture was destroyed in the fires.

I wish there were some way to appropriately and individually recognize each and every person. Unfortunately this is not possible, given the number of firefighters, military personnel—

The Deputy Speaker: The hon. member for Laval West.

* * *

[Translation]

NICOLE DEMERS

Ms. Raymonde Folco (Laval West, Lib.): Mr. Speaker, this October a woman from Laval will receive the Governor General's Award in Commemoration of the Persons Case for her activities aimed at improving the status of women.

Nicole Demers has been fighting for many years, representing women, seniors and the poor in the Laval area and helping them to make their voices heard.

Ms. Demers is a model for us all and I hope that the example she sets will inspire many people. Thanks to people like her, social inequalities can be overcome.

I congratulate Nicole Demers on winning the Governor General's Award and wish this outstanding woman many more years of helping those who need help most.

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LES INVASIONS BARBARES

Ms. Christiane Gagnon (Québec, BQ): Mr. Speaker, the Denys Arcand film *Les Invasions barbares* won best Canadian feature film at the 28th Toronto International Film Festival.

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After the film's success at Cannes and at the box office, Arcand had every reason to be pleased with this new honour for his latest production.

The Bloc Québécois salutes the work of filmmaker Denys Arcand, the actors, the technicians and the producer Denise Robert. It is encouraging to see that Quebec productions are achieving such renown.

Not only did *Les Invasions barbares* deserve these awards, but it was also a box office hit in Quebec with over \$5 million in ticket sales. The promotional tour in Paris, Berlin and London was met with enthusiasm. After the Toronto film festival, the film will open in theatres throughout Canada and the United States.

Long live *Les Invasions barbares* and Quebec cinema.

* * *

●(1405)

[English]

NORTHERN ONTARIO

Mr. Stan Dromisky (Thunder Bay—Atikokan, Lib.): Mr. Speaker, I rise today on behalf of the people of northwestern Ontario to offer condolences to the many people who have suffered tragic losses as a result of two separate airplane crashes in northern Ontario last week.

The community of Nibinamik lost seven community members, including three elected band council members, on September 11, 2003, in the rugged and isolated bush north of Thunder Bay. The close-knit community of roughly 350 people is now struggling to cope with this terrible loss. Wasaya Airways also lost a pilot in this incident.

In a separate incident, two people believed to be from British Columbia were also lost north of Thunder Bay.

As the family and friends of the deceased struggle to deal with their losses, it is important that we understand that they are in our thoughts and in our prayers. In times such as these, northerners have a way of caring for each other, and the response in the region has been overwhelming. I would like to take this opportunity to recognize and thank—

The Deputy Speaker: The hon. member for Edmonton—Strathcona.

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CANADIAN IDOL

Mr. Rahim Jaffer (Edmonton—Strathcona, Canadian Alliance): Mr. Speaker, tonight Canadians will choose the first ever Canadian Idol. Ryan Malcolm of Kingston, Ontario, is facing off against Gary Beals of Cherry Brook, Nova Scotia. Both Gary and Ryan have survived the grueling audition process, which narrowed a field of thousands of Canadians down to twelve and now two.

Over the summer millions of Canadians have watched as these two competed against ten other young people from all over Canada, including Edmonton's hometown favourite, Tyler Hamilton.

We have been there to witness the triumphs and the heartbreaks these contestants have felt. Now, only six hours away from tonight's final episode, the votes are in and counted.

Being involved in tonight's show myself as the Idol correspondent in Ottawa, I know the excitement these two young people feel and especially the excitement that host Ben is feeling. The Mulroneys have always had a knack for song and dance.

I urge all Canadians to tune into *Canadian Idol* tonight and support both Ryan and Gary. I know I will be watching.

* * *

CITY OF BARRIE

Ms. Aileen Carroll (Barrie—Simcoe—Bradford, Lib.): Mr. Speaker, in 1853 about 800 people living in small wooden buildings along a short stretch of Kempenfelt Bay on Lake Simcoe became the first official residents of the Town of Barrie.

This year our city is celebrating its 150th birthday. The City of Barrie is one of the fastest growing municipalities in Canada, with a population that has more than doubled in 20 years. The volunteer sesquicentennial committee has worked very hard to organize a number of events to commemorate this special year. The next event, Heritage Day, will be held on September 20. Heritage Day celebrations will include a re-enactment of the Nine Mile Portage historic trade route.

I would like to offer my appreciation and congratulations to the large number of volunteers and local sponsors who have worked tirelessly to make this year a year for the residents of Barrie to remember. I would also like to express special thanks to Alderman Patricia Copeland and John Bearcroft, sesquicentennial committee co-chairs.

* * *

CANADIAN IDOL

Mr. Geoff Regan (Halifax West, Lib.): Mr. Speaker, tonight an important decision will be made. Tonight Canadians from coast to coast will be intently fixated on their televisions as history unfolds before them.

Tonight, Mr. Speaker, Gary Beals is going to beat one of your constituents and become the first ever Canadian Idol.

This incredibly talented young man from Cherry Brook, Nova Scotia, has become the pride of Halifax, pouring his heart and soul into performance after performance and proving once again and once and for all that Nova Scotia is the home of the country's most talented performers.

I also want to mention how struck I have been by the breadth of talent this show has brought to Canadians. Both our diversity and our similarities have been obvious the whole way through.

I want to wish Gary, his family and friends all the best and tell him that as proud as all of us in Nova Scotia are of him today, we are going to be even more proud tonight.

EMPLOYMENT INSURANCE

Mr. Rex Barnes (Gander—Grand Falls, PC): Mr. Speaker, rural Canada is very different from the way it was a decade ago. Jobs are fewer, unemployment is greater and there is a greater need for leadership from the Canadian government.

Since 1991, many millions of dollars a year less in employment insurance benefits are being paid out to people in my riding of Gander—Grand Falls. Many organizations, including the Canadian Labour Congress, state that changes in the EI act are needed to better reflect the changing economies in rural areas.

The Government of Canada now has a surplus of \$45 billion in the EI fund. It is more difficult to receive EI benefits, the period of time to receive EI benefits is much shorter, it is more difficult for young people to obtain sponsorship for training, and it is more difficult for older workers to obtain meaningful work.

I agree with the president of the CLC, who states, “Times are changing. Work is changing. Canada’s unemployment insurance needs to change too”. I say, stop abusing the EI fund and stop overcharging Canadian workers.

* * *

• (1410)

[Translation]

HERMEL GIARD

Mr. Yvan Loubier (Saint-Hyacinthe—Bagot, BQ): Mr. Speaker, Hermel Giard was recently inducted into Quebec’s agricultural hall of fame. This is the highest honour awarded to a farmer for his life’s work and contribution to the development of agriculture.

Mr. Giard, who was mayor of Saint-Simon-de-Bagot for 14 years, fully deserves this honour. A distinguished dairy farmer and renowned Holstein breeder and judge, he was also active in the Ordre des agronomes, the Société d’agriculture, the Mouvement Desjardins and the Ordre des médecins vétérinaires du Québec.

He and his son, who is continuing his father’s work in various agricultural sectors, won the Mérite agricole gold medal in 1995.

Mr. Giard has made agriculture a way of life and a passion. His is an undeniable passion, which leads him to say that Quebec agriculture is among the best in the world, that dairy quotas are still a great idea and that family farms must remain the mainstay of agriculture in Quebec.

My heartiest congratulations to this friend and major contributor to Quebec agriculture and society.

* * *

LES INVASIONS BARBARES

Ms. Carole-Marie Allard (Laval East, Lib.): Mr. Speaker, I would like to congratulate Denys Arcand and all those who worked on *Les Invasions barbares*, which literally captured the hearts of festival-goers at the 28th Toronto International Film Festival.

The success *Les Invasions barbares* enjoyed with the public and the festival’s jury reflects the immense talent of this world renowned Canadian filmmaker. The film won top prize in Toronto in the

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feature film category and a prize for best screenplay at the 56th Cannes Film Festival.

The Government of Canada is proud to support the Canadian film industry, which projects the richness and diversity of our culture on the big screen.

Bravo to Denys Arcand, to *Les Invasions barbares* and to all the artists.

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[English]

CANADIAN IDOL

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, it is my pleasure to represent the community of Cherry Brook, which is part of my riding of Dartmouth. It is also the home of *Canadian Idol* finalist Gary Beals.

All summer long Gary has demonstrated the spirit of his community with his soulful tunes. His commitment to his family and his faith continues to remain strong throughout the intense media attention and the stress of weekly performances.

Gary is a theatre student at Acadia University and has sung with its gospel choir. He started singing in the Cherry Brook United Baptist Church at the age of 12.

In Cherry Brook, in Dartmouth and all over Nova Scotia, people are hoping for the best for this young man. We hope he will win the final tonight, but no matter what the results are, I expect we will all continue to hear about Gary Beals. We wish him good luck and we wish to thank him for taking up this challenge.

* * *

[Translation]

FOREIGN AFFAIRS

Ms. Pierrette Venne (Saint-Bruno—Saint-Hubert, Ind. BQ): Mr. Speaker, Canadian diplomacy has been severely tested lately. The Sampson and Kazemi cases have shown how insignificant Canada has become on the international scene.

After Mr. Sampson was sentenced to death by beheading on the strength of confessions that were obtained by torture, the Canadian government let him rot in a Saudi prison for 31 months.

Ms. Kazemi died on July 10, in Iran, after receiving a blow to the head during an interrogation and the Canadian government was not even able to repatriate her remains.

We have reason to be concerned about the safety that comes with our nice little Canadian passport and its no-smile photo. Clearly our diplomats have no influence and it is certainly not by entrusting diplomacy to disgraced ex-ministers that Canada will regain its much envied status of the 1950s.

Oral Questions

[English]

JUNCTION ARTS FESTIVAL

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, I rise today to offer my congratulations to the artists, organizers, sponsors and participants of the 11th annual Junction Arts Festival.

The Junction Arts Festival is one of Toronto's many array of community arts festivals. Its incredible growth is testament to the tremendous neighbourhood team spirit in the Junction and the great organizational work of Karen Cecy-Lemieux, the festival coordinator and Piera Pugliese, the chair of the festival and the chair of the Junction Gardens BIA.

This year's festival attracted 31 juried artists from as far away as Lithuania and Thailand, and involved 27 participating local businesses. The first festival in 1982 consisted of a single wall in a local framing shop and attracted about 2,000 people. Now with the festival dominating the neighbourhood, over 20,000 visitors enjoy the art, musical performances, literary readings, music and writing workshops, and the popular "poems on a post".

I wish to commend the Junction community for hosting and supporting this event, and understanding how important the arts are in our community.

* * *

●(1415)

RURAL EXPO 2003

Mr. Scott Reid (Lanark—Carleton, Canadian Alliance): Mr. Speaker, I rise today to draw the attention of the House to an important event taking place this week in Lanark County.

Rural Expo 2003, the Lanark County International Plowing Match and Farm Machinery Show opens tomorrow in beautiful Beckwith Township, just east of Carleton Place. The tented city and its surrounding grounds cover 1500 acres.

Rural Expo is a celebration of rural living, both past and present, and of the vibrant future that we envision for rural Canada. Thanks to the hard work of Gordon and Ann Munroe, the co-chairs of Rural Expo 2003, and more than 1,000 other dedicated volunteers, this is sure to be an event to remember.

Highlights include music and entertainment from across the Ottawa Valley and around the world, hundreds of exhibits, and of course the excitement of competitive plowing using both traditional and modern equipment.

Those of us who make our home in Lanark County know what a great place it is, and I have no doubt that the tens of thousands who visit Rural Expo will be charmed, delighted and enthralled by our beautiful county.

ORAL QUESTION PERIOD

[English]

GOVERNMENT CONTRACTS

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, yesterday the Prime Minister was asked about criminal investigations into the Liberal Party of Canada. He said the RCMP and the Auditor General are doing investigations. I have to tell the Prime Minister that is not good enough. I have to remind him that he is the leader of this country and the leader of his party.

I ask him, what steps has he taken to assure himself that public funds have not been misused by his own political party?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, the financing of a political party is the same for everybody. Every contribution that is given to the Liberal Party above \$100 is public information that can be found on the Internet any day of the week. This is the only way that we have raised money for the Liberal Party over the last 10 years.

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, maybe he could do a little more thorough investigation than that.

[Translation]

Mr. Speaker, the criminal investigation of the Liberal Party of Canada in Quebec is under way. The Minister of Justice is responsible for supervising the laying of criminal charges, and is also the political minister for the Quebec wing of the Liberal Party.

Is this not a good enough reason why the government ought to allow an independent criminal investigation?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, it is the Solicitor General and not the Minister of Justice who is responsible here. The hon. member ought to find out who is responsible for what before standing up in the House. It is a bit ridiculous not to know that the RCMP is under the jurisdiction of the Solicitor General.

[English]

Mr. Stephen Harper (Leader of the Opposition, Canadian Alliance): Mr. Speaker, it will have to be the Attorney General and Minister of Justice who prosecutes the charges and these will be potentially against members of his own party.

The Prime Minister said yesterday that his ministers "probably" did nothing wrong. The former public works minister, and I am not sure we put him in the "probably" category, avoided accountability when the Prime Minister assisted his flight from Canada with an ambassadorship in Denmark.

How many more people who "probably" were not involved in scandals does the Prime Minister intend to give patronage appointments to before he leaves office?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I must go back to my role as a professor of law and tell the hon. member that when there are prosecutions under the Criminal Code in one province it is the attorney general of that province who lays the charge, not the Attorney General of Canada.

Oral Questions

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, Communication Coffin is facing 18 fraud charges. A 2000 public works audit red flagged that company. Wrongdoing was exposed, yet the government continued to award new contracts. Corruption and political interference continue. Rules by themselves will not end political corruption. Political interference must end and ministers must be held accountable.

Will the government initiate a judicial inquiry into the public works scandals that will include recalling the former public works minister, Alfonso Gagliano?

• (1420)

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, from the very beginning of my responsibility in this file I have been very careful to ensure that the proper steps were taken, first things first, step by step, every step on a solid foundation and then moving on in a progressive manner to ensure that all matters were properly exposed, all investigations were properly undertaken, and the public interest was satisfied. I have embarked on that course and I intend to continue it.

Mr. Leon Benoit (Lakeland, Canadian Alliance): Mr. Speaker, the fact is that in spite of what the minister says we saw another summer of scandals: a \$1.4 billion Royal LePage contract, so bad it had to be re-tendered; Allan McGuire writing himself \$250,000 worth of cheques, never audited; the department purposely bankrupting a Canadian company; and now the Liberal Party is under investigation. Canadians do not believe that corruption will end with the claims of the minister.

To deal with the sponsorship scandals, will the government initiate a judicial inquiry into the sponsorship program?

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, as I said yesterday, specifically with respect to sponsorships, it is very important that the two official investigations that are presently underway be allowed to proceed to their full conclusion without any interference of any kind whatsoever.

One set of investigations is being presided over by the RCMP. It is obviously doing its job. The other set of investigations is being presided over by the Auditor General. We have in fact complied with her request to expand her mandate to allow her to do her full job in this matter. Those things must not be impeded.

[*Translation*]

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Quebec wing of the Liberal Party of Canada is under police investigation, and disciplinary measures will soon be taken against the people who ran the sponsorship program for Alfonso Gagliano. But while all indications are that politics were involved, strangely, no one is looking at the role played by the ministers in this scandal.

Since only an independent public inquiry could shed light on the political dimension of the sponsorship scandal, why is the Prime Minister so determined to protect his ministers by refusing to hold such an inquiry?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, there are two investigations under way, one by the RCMP and one by the Auditor General. These agencies are both completely independent of the government. So far, they have been doing very good work. There is no reason to change the policy adopted by this government a very long time ago.

Mr. Gilles Duceppe (Laurier—Sainte-Marie, BQ): Mr. Speaker, the Prime Minister wants to limit himself to the RCMP and the Auditor General and not discuss politics. Let us see why.

In May 2002 in Winnipeg, speaking to Liberal supporters, the Prime Minister admitted, and I quote, “Perhaps there was a few million dollars that may have been stolen in the process,” but, he added, “we have re-established the stability of Canada.”

If the Prime Minister refuses to launch an independent public inquiry, might it be because his government, his ministers and he, himself, authorized the shameless use of public money to promote Canadian unity while lining the pockets of friends of the party?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, there is a law and it is the role of the police to investigate theft. That is the case in all jurisdictions, and that is exactly what the police are doing at this moment. The police have the authority to act when there are charges of theft.

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, when the Prime Minister says that a few million dollars may have been stolen, but that since this saved Canada, it is not serious, I would like to remind him that in 1970, it was also said in his circles that it was OK to burn barns in Quebec and steal books from PQ members. It was not serious, it saved Canada.

Does the Prime Minister remember that a public inquiry was commissioned at the time—the MacDonald Commission—and that it revealed a fair bit about the government he belonged to?

[*English*]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, the Prime Minister has always said in this matter that where there was administration that needed to be corrected, that correction would be done, wherever there were audits that needed to be performed, those audits would be done, wherever there were criminal matters that needed to be investigated, that that indeed would be done, and if anyone had broken any rule, they would pay the consequences.

[*Translation*]

Mr. Michel Gauthier (Roberval, BQ): Mr. Speaker, the RCMP is only investigating criminal acts. It is highly likely that cabinet ministers violated ethics rules and independence rules and crossed a line without going so far as stealing. The RCMP would never look into this type of behaviour.

Does the government not understand that we want to know what part the ministers played? We do not think they stole anything directly, but we would like to know what role they had in the sponsorship affair. That is not something we are going to find out from the RCMP.

Oral Questions

• (1425)

[English]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, I would again emphasize what I said yesterday. It is very important in this matter to proceed in a steady and logical fashion, first things first, step by step. Let us ensure that we do not make a misstep that fouls up the investigations that are presently underway.

It is very important not to take any action that would in any way impede the activity of the RCMP or the Auditor General. We are absolutely determined that those two bodies should be allowed to do their work and to ventilate this matter to the satisfaction of the public interest.

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AGRICULTURE

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, last evening I attended a meeting of area farmers in St-Albert, Ontario, who are concerned over the ongoing ban of beef that is keeping their product from the market. The border is still not open and farmers' lives are at stake. Their livelihoods are being lost because they cannot move their cattle. Their entire lives and way of life is at threat.

The Prime Minister is scheduled to be in New York for a meeting at the UN. Will he request, will he intelligently and intensely make the case on behalf of Canadian farmers to open the border to Canadian cattle?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have always done that with the President and other people at the White House with whom I have had the occasion to meet. I think that I will have occasion to meet with President Bush. Whenever I talked with him he had always said and agreed with me that this had to be based on a scientific basis.

I wish to report that the only country that has managed to go back into the American market after having a case of mad cow is Canada. The beef has started to move but not fast enough and we are keeping the pressure on the American government.

Mr. Peter MacKay (Pictou—Antigonish—Guysborough, PC): Mr. Speaker, the beef is moving at a trickle across the border. That answer is not good enough.

I challenge the Prime Minister to give that type of drivel to the farmers who are going to gather on the lawn here tomorrow. The Prime Minister has to get active on this file. If he is not going to get active, maybe he should back to 24 Sussex and start packing. There are people in this country who need his government's help, need his leadership.

When is he going to actively engage in this file and help Canadian farm families?

Right Hon. Jean Chrétien (Prime Minister, Lib.): Mr. Speaker, I have been extremely active with this file. We have put in more than half a billion dollars to help the farmers who are affected by this ban

of the export of beef and we are doing our best with the American government. Ministers raise that all the time. I did that all the time.

I talked with the ambassador here about it many times. The Canadian ambassador in Washington raises this matter all the time. Ambassador Cellucci has said, "The relationship is in very good shape. We are working each and every day. We are making progress". When the ambassador says that we are working well with them on all the files, I think that this—

The Speaker: The hon. member for Winnipeg—Transcona.

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NATIONAL DEFENCE

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Mr. Speaker, the good news is that hurricane Isabel has been downgraded and may not be a serious threat by the time it reaches Canada, but of course the bad news is this can change. Also the bad news is that we have a government that does not exactly have a sterling record when it comes to being prepared for crises.

Could the Minister of National Defence tell the House what he is doing to be in a state of readiness should hurricane Isabel prove more destructive than we hope it will be. We do not want the minister of defence operating by candlelight after the fashion of the Prime Minister during the blackout?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, I am pleased to inform the member that just an hour ago the public security committee of the cabinet had a fulsome discussion of this matter, a briefing from OCIPEP so we would be fully briefed and aware of all scenarios in advance of such an event. Of course we hope that it will not happen but we must always be prepared.

Mr. Bill Blaikie (Winnipeg—Transcona, NDP): Well I am glad to know they are meeting, Mr. Speaker, but I want to ask the Minister of National Defence this, looking beyond hurricane Isabel, and as I say, hopefully there will not be anything for which to be prepared.

Is the Minister of National Defence considering what has been suggested by a number of people, including my leader, that there be set up something like a Canadian security council and a permanent situation room, something that is independent of the risk factors that come with crises so we know the government can be in charge no matter what the circumstances?

• (1430)

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, that kind of issue is beyond my purview involving the machinery of government. However let me remind the hon. member that when it comes to things that really matter, the federal government was there backing up the province of Ontario in the power storm and backing up the province of British Columbia for the forest fires.

Ernie Eves does not always say great things about this government. He was unequivocal in his thanks, as was the case with the Premier of British Columbia. So we delivered.

*Oral Questions***PUBLIC SERVICE**

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, my question is for the President of the Treasury Board. Public Service Integrity Officer, Edward Keyserlingk, has stated a strong call for whistleblower legislation. We should not have to wait 10 years.

Will the minister commit now to introducing a comprehensive bill? Does the minister finally admit that her internal memo policy did not work and that real whistleblower legislation is sorely needed?

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Mr. Speaker, I really welcome Dr. Keyserlingk's report and I thank him for his thoughtful and judicious comments. As he recommended that we need perhaps deeper reflection on that matter, I announced this morning that we would have a working group, including Dr. Keyserlingk, to propose a Canadian model. I also intend to give that report directly to parliamentarians so they can review it and have consultations so that we can make the final solution about that problem.

Mr. Paul Forseth (New Westminster—Coquitlam—Burnaby, Canadian Alliance): Mr. Speaker, I had to convince the minister to even get a passing reference to whistleblower protection in Bill C-25. The former finance minister who was responsible for creating the red book in 1993 promised it back then. For 10 years he had the money, he had the cabinet influence and yet all we have today is a memo.

When honest public servants try to report wrongdoing and political interference, will they be left unprotected?

Hon. Lucienne Robillard (President of the Treasury Board, Lib.): Mr. Speaker, first, Dr. Keyserlingk reports on the internal disclosure policy on wrongdoing. I think the member on the opposite side when he brought in an amendment, it was not to a memo, it was to a policy already designed by the government.

I am telling members that we are ready to act on that matter when we receive that report and that parliamentarians also will make recommendations to the government.

* * *

[Translation]

GOVERNMENT CONTRACTS

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, with regard to the sponsorship scandal, the police investigation led to the Liberal Party. The Prime Minister's conduct and that of his ministers is not under investigation. The Prime Minister was unable to confirm that none of his ministers were involved.

Is there not just one way to clear his government, namely holding a public inquiry on the role his ministers played in the sponsorship scandal? Perhaps that would satisfy us.

[English]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, the RCMP, in dealing with this matter, has already indicated that it will follow this issue wherever the trail

may lead. It is completely independent. It exercises its own discretion to ensure that justice is properly done.

[Translation]

Mr. Robert Lanctôt (Châteauguay, BQ): Mr. Speaker, the sponsorship scandal did not happen on its own. Decisions were made and someone untied the purse strings and invested dozens of millions of dollars in this scandal.

The Prime Minister should admit that it would be in the public's interest to find out the role of the future Prime Minister, then Minister of Finance, in the sponsorship scandal.

[English]

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, the hon. gentleman is obviously engaging in a good deal of smear and innuendo.

The fact of the matter is, if one is really interested in determining what unfolded, who was responsible and so forth, the very best way to do that is to rely upon the RCMP and the Auditor General step by step methodically moving forward ensuring that justice is properly done.

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AGRICULTURE

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, the Liberal government mistakenly believes that it has reopened the border to trade for Canadian livestock. Far from it. Limited trade in muscle cuts will never save our livestock industry. It is really death by a thousand cuts.

Trade of live animals represented more than half of our sales pre-May 20. Now hundreds of thousands of culled and aged animals have little or no value.

When will the minister table his plan to deal with this escalating problem, or does he just not give a damn?

● (1435)

[Translation]

Mr. Claude Duplain (Parliamentary Secretary to the Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, I do not understand how the hon. member can say that the border is not open. The border is in fact open and meat can now cross the border. There are still problems to resolve. The border needs to be fully reopened. The minister is currently working on this with his American counterparts.

[English]

Mr. Gerry Ritz (Battlefords—Lloydminster, Canadian Alliance): Mr. Speaker, the parliamentary secretary proved to the world he does not get it. That is the problem.

The borders are open about 20%. We can get parts and pieces of cattle through but not a live one. That is the problem. Aged cattle are piling up in this country and there is no processing to handle them, sir. That is the problem. Farmers and ranchers are going broke here day by day. These guys do not get it.

Oral Questions

Why is the minister letting the livestock industry crisis get worse while he plays politics with agriculture aid? What is he doing?

[*Translation*]

Mr. Claude Duplain (Parliamentary Secretary to the Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the border is open, and work needs to be done to open it fully. Now, the member needs to understand that this is the first time ever that a country has managed within 100 days to open its borders after detecting a case of BSE, and this needs to be said.

If the member is unable to explain this to his constituents, I humbly offer my services to go to his riding to help him explain—

Some hon. members: Oh, oh.

The Speaker: The hon. member for Hochelaga—Maisonneuve.

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THE CANADIAN GRAND PRIX

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, the federal government—

Some hon. members: Oh, oh.

The Speaker: Order, please. It is impossible to hear the question. The hon. member for Hochelaga—Maisonneuve has the floor. The noise is coming from both sides of the House.

[*English*]

The hon. member for Hochelaga—Maisonneuve has the floor. I urge order.

[*Translation*]

Mr. Réal Ménard: Mr. Speaker, the federal government is expressing a desire to save the Grand Prix, while at the same time rejecting any amendment to the Tobacco Act—with which we agree—but also rejecting the idea of an interim fund.

If the Prime Minister rejects both of these solutions, can he tell us what other strategy he has in mind for saving the Grand Prix?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, as far as the Canadian Grand Prix is concerned, everyone in this House is aware of its economic importance and the spin-offs, not just for Montreal and Quebec, but for all of Canada as well.

That said, the government already deferred the legislation seven years ago. Back then, the time frame allowed was felt to be satisfactory.

On the other hand, are we supposed to use public funds in order to obtain a brand name free race? I think it would, in fact, be highly inappropriate of the government to start using public funds to maintain Formula 1 racing.

That said, there is still a little time left before the racing schedule is published. We will leave no stone unturned in order to keep—

The Speaker: The hon. member for Hochelaga—Maisonneuve.

Mr. Réal Ménard (Hochelaga—Maisonneuve, BQ): Mr. Speaker, if Montreal lost the Grand Prix, the fallout would be enormous, as far as employment, the economy and lost tax revenue are concerned.

I am asking the Prime Minister why he is refusing to set up a two-year interim fund that could involve all of the partners, that is the private sector and the public sector, including all three levels of government?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, how could we propose to this House a transition fund just for Formula 1?

I think that if the Bloc Québécois wanted to talk about a transition fund, and really examined the situation, fairness would force us to include a whole series of events. Since we want to be fair, we do not believe that at this time we ought to be going ahead with a transition fund, an idea that has already been rejected. What is more, if we Canadians really believe in it, this legislation is about public health.

Obviously the Grand Prix does have economic spinoffs. We still have some room to manoeuvre. Give us some time. We will leave no stone unturned.

* * *

[*English*]

FOREIGN AFFAIRS

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, almost two years ago the whole world learned that British nationals who were arrested along with Bill Sampson had been savagely tortured in Saudi jails. The Brits reported that Mr. Sampson, still in jail, was continuing to be tortured. How did the foreign affairs minister respond to this alarming revelation? I will quote his response:

We received assurances from the Saudi government that this case would be handled with full respect for human rights.

Why did the minister publicly accept these false Saudi assurances when former prisoners had already revealed the torture was going on? Was the minister just naive or was he trying to cover up and protect cozy—

● (1440)

The Speaker: The Hon. Minister of Foreign Affairs.

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, we acted for the reason we did which was for our desire to get Mr. Sampson home safely, which is what occurred in the circumstances. Let us not lose that from perspective. The House and I believe everyone here well knows that doing the wrong thing at the wrong time in these circumstances could cost the life of a Canadian citizen.

It is very easy for the opposition now to wish to rewrite history. Let us bear in mind our responsibility on this side of the House and a government's responsibility is the protection first of the lives of its citizens. That is what governed our conduct and that will always govern our conduct.

Oral Questions

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, it should try doing the right thing any time. The government continues to get nowhere with its weak and belated request for an investigation into the Saudi torture of Bill Sampson, and the reason is simple. As we learned in the tragic case of Ms. Kazemi, soft power doctrine is impotent when we are confronting dictators. Demands must be backed with consequences.

Instead of abandoning Canadians, why will the government not abandon its soft power policy when dealing with dictators and get that apology from the Saudi ambassador, send him home and get an apology and compensation for Mr. Sampson?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the hon. member speaks of soft power but let me suggest he has the idea to send the Saudi ambassador home, and perhaps have our ambassador return to Canada, when there are 8,000 Canadians living and working in Saudi Arabia who need diplomatic representation in times of difficulty. This is not soft power. This is useless power. This is political rhetoric for one purpose only, political rhetoric, that is all.

* * *

AGRICULTURE

Hon. Charles Caccia (Davenport, Lib.): Mr. Speaker, my question is for the Minister of Agriculture and it concerns the United Nations biosafety protocol.

Given that 57 nations have ratified the biosafety protocol, given the fact that it has entered into force and given that Canada is host to the UN Secretariat on Biodiversity, when will the minister be in a position to give the green light so that the government can ratify this important protocol?

[Translation]

Mr. Claude Duplain (Parliamentary Secretary to the Minister of Agriculture and Agri-Food, Lib.): Mr. Speaker, the Government of Canada has a strong interest in the conservation and sustainable use of biodiversity and supports the environmental objectives of the protocol on biosafety.

Canada signed this protocol in 2001 and is committed to addressing the concerns of stakeholders in the agri-food and biotechnology industries.

The agri-food sectors support the protocol's goals and have agreed to work with us in accordance with the protocol and to minimize the uncertainties related to trade.

* * *

[English]

THE ECONOMY

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, the finance minister has admitted that due to the Prime Minister's long goodbye Canadians will just have to do without a February budget. It is another case of Liberal leadership politics trumping the interests of ordinary Canadians.

Why will the Prime Minister, who the Liberals do not want, not step down in November so Canadians can have the budget they need in February?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, the fact is that I will present the usual fiscal and economic update this fall. Even today the finance committee has commenced its normal prebudget consultations.

I am happy to say that despite the fact that we face some challenges in our economy this year because of SARS, BSE and other things, we had enough prudence and enough contingency built into the February budget that our fiscal plan is still in very good shape.

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, Canada is reeling from an unprecedented series of disasters: SARS, BSE, power blackouts, western forest fires and floods in Nova Scotia and Newfoundland. As a result the Canadian economy shrank more than expected in the last quarter and 50,000 Canadians have lost their jobs.

Why will the finance minister not commit today to presenting a full budget in February to provide Canadians with a real plan to address Canada's economic uncertainties?

Hon. John Manley (Deputy Prime Minister and Minister of Finance, Lib.): Mr. Speaker, I think the hon. member has trouble recognizing a good thing when he sees it.

Since the beginning of last year the Canadian economy has created over 600,000 jobs while at the same time the U.S. economy has lost over 900,000 jobs.

I might mention to the hon. member that the U.S. economy is 10 times larger than the Canadian economy and yet its job performance record is many times worse.

I think the fact is that we are in very good shape because of the prudent planning that was embodied in the February budget. We were in good shape to face even the emergencies that presented themselves unexpectedly to us this year.

* * *

•(1445)

GOVERNMENT CONTRACTS

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, my question is for the Prime Minister.

Today we learned that Onex Corporation is again looking to buy Air Canada; yes, the same Onex that is the biggest donor to the leadership campaign of the former finance minister. I guess it is buying a lot these days, including influence, which comes with a price tag of \$173,000 and counting.

Will the Prime Minister ensure a tough new ethics package is in place before he leaves office or is he fine watching corporations getting into a bidding war to buy Paul Martin?

The Speaker: I suspect the hon. member meant the hon. member for LaSalle—Émard when she mentioned someone by name a moment ago. She knows it is quite wrong to refer to another hon. member, if that is what she was doing, by name. I would not want to presume. The hon. government House leader.

Oral Questions

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am very pleased to note the interest that the hon. member has in Bill C-34, the ethics bill.

As she will know the debate was concluded yesterday at report stage and second reading. The vote will occur later today. We are looking forward to enthusiastic support for that legislative measure.

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I apologize for calling the member for LaSalle—Émard by his name.

Again, my question is for the Prime Minister. It is increasingly clear that the ad scandal in Quebec was designed to pump money into the Quebec Liberal Party coffers. Surely there are better ways to invest Canadian tax dollars than blowing them on the Quebec Liberal Party.

We need a public inquiry now. We need the mastermind of this scheme, Alfonso Gagliano, fired now.

Will the Prime Minister pick up the phone and tell Fonzy that his happy days in Denmark are done?

Hon. Ralph Goodale (Minister of Public Works and Government Services, Minister responsible for the Canadian Wheat Board and Federal Interlocutor for Métis and Non-Status Indians, Lib.): Mr. Speaker, the matters pertaining to the sponsorship issue are serious matters and they deserve serious attention from people like the Auditor General and investigators like the RCMP. These issues will not be resolved through glib one-liners.

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FOREIGN AFFAIRS

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, on January 31 of this year the foreign affairs minister said "We are making sure that Bill Sampson is well treated and that he has all rights available to him".

We now know of course that nothing could have been further from the truth.

How can the minister explain the government's total incompetence in allowing a Canadian citizen to be brutally tortured while doing nothing to protect his rights?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, as the hon. member knows, this has been discussed in the House many times.

The hon. House leader went to see Prince Abdullah. I personally took a letter from the Prime Minister of Canada to the ruling royal family. We made representations. Hon. members on this side of the House personally intervened. Members of the opposition saw Mr. Sampson. We all made an effort to make sure that Mr. Sampson came back safely. We were assured by the royal family that he would be returned safely if we worked with them. We did. We brought him home. Let us let the results speak for themselves.

Mr. Jason Kenney (Calgary Southeast, Canadian Alliance): Mr. Speaker, perhaps the minister has not noticed that he has not come home because of his disgust with the government's mistreatment of his case.

Is it not interesting that the opposition member who visited him seems to remember his claims of torture whereas the government House leader somehow seems to have forgotten it?

A couple of years ago the parliamentary secretary said that Mr. Sampson was not tortured or physically abused and that the government was confident that he would continue to receive due process. Some due process.

I simply want to know why the government covered for the Saudi regime. Has the government apologized to Bill Sampson for not protecting his rights?

Hon. Bill Graham (Minister of Foreign Affairs, Lib.): Mr. Speaker, the government did not cover for the Saudi regime. The government acted in a way which ensured the safety of Mr. Sampson in a very difficult situation. Mr. Sampson returned. He left Saudi Arabia. I remind members of the House that he had a sentence of execution against him. That sentence might have been carried out. We acted in a responsible way to ensure that it was not.

I think it is very unwise of hon. members opposite to now seek to rewrite history for the sake of pure cheap politics.

* * *

• (1450)

[Translation]

BIOCHEM PHARMA

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, yesterday the Minister of Industry told us that he would ensure that Shire respects all its commitments following the closure of BioChem Pharma in Laval, but he refuses to make these commitments public.

Is the minister prepared to demand, as compensation for Shire's failure to honour its commitment, that the company give up intellectual property rights to the research projects, which are not a priority for it, in order to help BioChem Pharma get back on its feet?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, I invite the hon. member to examine the federal law on this matter. It is clear that the commitments are confidential for now. We cannot disclose them.

At the same time, we have certain rights and powers under the law. We intend to use them to ensure that the company honours all its commitments.

Mr. Paul Crête (Kamouraska—Rivière-du-Loup—Témiscouata—Les Basques, BQ): Mr. Speaker, I think that the hon. minister must adjust his attitude and allow the relaunch of BioChem Pharma by promoters associated with the researchers who were laid off.

The minister has enough tools to do the job. In this context, how does he intend to use federal legislation to save BioChem Pharma?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, as I have already stated, my concern is to ensure that all commitments are honoured. If there is a way to save the company, I am sure that private enterprise will find it. To my knowledge, the people in Montreal involved in this matter are working to see that all possibilities are examined.

Oral Questions

[English]

HUMAN RESOURCES DEVELOPMENT

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, yesterday the HRDC minister went into damage control mode and tried to deflect blame for the most recent boondoggle instalment rather than accepting personal responsibility.

According to her, and I quote:

In any organization, there are a few bad apples.

Given her party's current situation, she should know. It is pretty sad when the captain of a sinking ship wants to be first on the lifeboat. What ever happened to ministerial accountability?

If the minister is not responsible for the conduct of her employees, who is?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, perhaps I will just take this opportunity to remind the hon. member of what we have done.

We received information from the police that some of our employees might be involved in an investigation. At that point we conducted our own investigation. We examined our files. We called in forensic auditors. We called in the RCMP. We have taken severe disciplinary action, including firing.

It is our obligation to make sure that those who choose to work outside the rules face the consequences, and that is what we are doing here.

Mr. Brian Pallister (Portage—Lisgar, Canadian Alliance): Mr. Speaker, none of that is attributable to the internal work of department. The credit belongs to the Toronto municipal police force here.

This is her failed \$50 million plan we are talking about. This is her department and her responsibility but it is not her money. It belongs to Canadians and Canadians deserve honest answers to clear questions.

Let me ask a simple question. Boondoggle 2: how much money is involved and how many employees?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I take full responsibility to work with the police to ensure that those who are cheating the system are caught and that the full impact of the law is placed on them.

As I said yesterday, the police have asked us not to share any further details so as not to jeopardize their investigation. Surely the hon. member would want to make sure that all charges are laid as appropriate.

* * *

NATIONAL DEFENCE

Mr. David Pratt (Nepean—Carleton, Lib.): Mr. Speaker, my question is for the Minister of National Defence.

The second largest deployment of Canadian Forces is currently engaged in fighting forest fires in British Columbia. With these fires largely under control, could the minister advise the House how much longer the forces will continue their firefighting efforts in B.C.?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, because of an improvement in conditions in British Columbia, I am pleased to announce that the Government of B.C. and the Canadian Forces have agreed that military firefighting assistance will end today.

I have observed the soldiers at work. It is difficult work. Generally they go out in teams of two, one with a hose and one with a pick axe.

I know that the whole House would want to join me in thanking the more than 2,600 reservists and regular forces for a job extremely well done.

* * *

● (1455)

GOVERNMENT ASSISTANCE

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, the firestorms devastated homes and businesses in Kelowna during the firestorm that happened recently.

Could the Prime Minister tell us today how he will assure that the people who need the money to get the financial assistance will in fact go to the people who need it? When will that money come and where will the money come from in order to give the financial assistance that he promised when he was there?

Hon. John McCallum (Minister of National Defence, Lib.): Mr. Speaker, as I just said, our members of the Canadian Forces have done a magnificent job in fighting these fires in Kelowna and elsewhere. The federal government has worked very closely with Minister Rich Coleman and the premier. All are highly satisfied with our work together.

We have agreed to provide financial assistance under the DFAA and the sums that are due will be calculated according to the usual formula and will be paid.

Mr. Werner Schmidt (Kelowna, Canadian Alliance): Mr. Speaker, with that kind of answer one wonders how sincere their promises really are.

I will turn to the Minister of Human Resources Development and ask her how serious it is. These families are in dire circumstances. They have lost their homes and their businesses. Why does she refuse to waive the two week waiting period before these people get unemployment insurance benefits?

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, I am very sensitive to the devastating impact that these fires have had on individuals in the Okanagan. I am happy today to tell the hon. member that the employment insurance commission has agreed to make more flexible the work sharing provisions so that those businesses that have been affected can ensure they can continue and that their employees can continue to go to work.

In that context I would remind the hon. member that there is no two week waiting period associated with work sharing.

Oral Questions

[Translation]

MARRIAGE

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, the future Prime Minister, the hon. member for LaSalle—Émard, wants an immediate vote on same sex legislation, without waiting for the Supreme Court's opinion, doubtless to avoid dealing with this thorny issue during the next election campaign.

Does the Prime Minister feel the same way as his potential successor, or will he wait for the opinion of the Supreme Court requested by his own government?

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, the government has implemented a process. This process is clear and contains a clear policy. This process is a respectful one.

The government is seeking and will obtain the court's opinion on draft legislation. The Supreme Court's opinion will address the three questions it was asked. Then, obviously, once we have obtained the court's opinion, all parliamentarians will have the opportunity to take part in a free vote in the House.

In my opinion, the government has chosen a good process that respects the various parties involved.

* * *

[English]

TRADE

Mrs. Karen Redman (Kitchener Centre, Lib.): Mr. Speaker, Canada has a very reputable wine and spirits industry. In fact, some international award winning vintages have been produced from some of our over 170 wineries from all provinces of Canada. Yet the industry faces obstacles to access its product in the European Union.

Could the Parliamentary Secretary to the Minister for International Trade tell us what developments have happened regarding our increased access to the European Union?

Mr. Murray Calder (Parliamentary Secretary to the Minister for International Trade, Lib.): Mr. Speaker, I am very pleased to announce today that the Minister for International Trade, along with his colleague, the Minister of Agriculture and Agri-Food, in Niagara-on-the-Lake signed the Canada-EU wines and spirits agreement.

The federal government has worked in close consultation with the industry and the provinces. This agreement will benefit both Canadian and EU wine and spirits industries. It will enhance trade opportunities for both regions while providing a larger variety for consumers.

* * *

MARRIAGE

Mr. Jim Pankiw (Saskatoon—Humboldt, Ind.): Mr. Speaker, the Canadian Alliance leader stated that he supports codifying civil unions in law for homosexuals.

However, the biggest failure on same sex marriage rests with the Prime Minister. He is refusing to honour the clause that he himself put in the Constitution, a clause that acts as a legitimate check and balance against laws made by unelected and unaccountable judges.

Why is the Prime Minister refusing to invoke his own constitutional notwithstanding clause to protect the legal definition of marriage?

● (1500)

Hon. Martin Cauchon (Minister of Justice and Attorney General of Canada, Lib.): Mr. Speaker, we said many times that it is a question of rights. We are talking about equality rights. It is a question of dignity as well. The course of action that has been chosen by the government is the right course of action.

We are striking the right balance with the draft bill because we are facing essentially two principles: equality rights as well as the protection of religious belief. We will obtain the opinion of the Supreme Court of Canada and then parliamentarians will have their say on a free vote.

* * *

HIGHWAY INFRASTRUCTURE

Mr. Myron Thompson (Wild Rose, Canadian Alliance): Mr. Speaker, during the past four years there have been 24 deaths on a 25 kilometre stretch of the Trans-Canada Highway in Banff National Park in my riding.

I have been asking the government for 10 years to do something about this dangerous road. The transport minister says it is not his problem; it is the problem of the heritage minister. She says it is not her problem; it belongs to Parks Canada. Parks Canada says it is not its problem; it does not have enough money in its budget to even consider it. Failure to widen this highway is sheer negligence.

I ask the Prime Minister today, who in the heck is in charge of fixing this highway?

Hon. Allan Rock (Minister of Industry, Lib.): Mr. Speaker, this road needs to be improved. We will soon be announcing, under the infrastructure fund, a strategic investment by the Government of Canada to ensure that happens, to protect the lives of those who travel this road, to ensure that Banff National Park is accessible, and to upgrade the infrastructure in that park.

* * *

[Translation]

EMPLOYMENT INSURANCE

Ms. Diane Bourgeois (Terrebonne—Blainville, BQ): Mr. Speaker, last March, a report from Status of Women Canada confirmed that employment insurance restrictions on individuals returning to the labour market were affecting a disproportionate number of women, particularly those seeking parental benefits, as well as those who are self-employed, who continue to be excluded from this program.

Can the parliamentary secretary for Status of Women Canada tell us what she has done to date to remedy the situation criticized by that report?

Supply

[English]

Hon. Jane Stewart (Minister of Human Resources Development, Lib.): Mr. Speaker, the hon. member's question gives me the opportunity again to recognize that the government has doubled parental benefits, not only providing benefits for Canadian mothers but also for Canadian fathers.

As well, we find that the employment insurance system, by moving to an hours based program, allows more women to be eligible for employment insurance.

We also find that more women are working and, in fact, as a result of the increased jobs in our strong economy, women are working and bringing home employment wages to help support themselves and their families.

* * *

PRESENCE IN GALLERY

The Speaker: I would like to draw the attention of hon. members to the presence in the gallery of Minister-President Professor Dr. Wolfgang Boehmer, President of the Bundesrat of the Federal Republic of Germany.

Some hon. members: Hear, hear.

GOVERNMENT ORDERS

• (1505)

[English]

SUPPLY

ALLOTTED DAY—MARRIAGE

The House resumed consideration of the motion and of the amendment.

Mr. Stockwell Day (Okanagan—Coquihalla, Canadian Alliance): Mr. Speaker, today, as parliamentarians we each bring to the floor of the House a condensation of the myriad heartfelt expressions from the nation's citizens on this subject of marriage. I pray that the product that is distilled from the debate today will be positive and not toxic or debilitating to the future health of our country, its families and its people.

I find it somewhat curious that some in this debate have said that we should not even be dealing in Parliament with anything at all that has a religious connotation, notwithstanding the fact that marriage of course is supported by those of a religious or non-religious view.

Let us consider our history. From aboriginal spiritual beliefs to the spiritual declarations of our first explorers, to recent changes of Canada's Constitution, we see that it is the rule, not the exception, that we allow religious expression and views in all places. Canada's constitutional founders and framers, in pre-1867 Charlottetown discussions, accepted the suggestion of an Atlantic Canadian premier that our nation's motto should be taken from the Bible, from the book of Psalms, chapter 72, verse 8, which says, "He shall have dominion also from sea to sea". And so it remains today on Canada's coat of arms right here in the House of Commons, and in courtrooms and classrooms across the country.

The granite foundations of this very building, the Peace Tower, have scripture verses carved into them. When our Constitution was repatriated, an important phrase was placed in its preamble declaring Parliament as "recognizing the supremacy of God". That is in the preamble of our Constitution. Our national anthem rings forth the prayerful plea "God keep our land". At the beginning of every day right here in Parliament, Mr. Speaker, you lead us in public prayer.

Given these past and present historical realities of our nation, respected by believers and non-believers alike, let us please dispel this notion that religious expressions or reflections on the topic of marriage or on any other issue should be prohibited.

There is a book in the parliamentary library entitled *Religion, the missing dimension of statecraft* which is very helpful on this subject. One of several reasons that Bill C-250 is so ill advised, intolerant and dangerous is that it could be used to squash freedom of expression and freedom of speech in this regard. As a matter of fact, on the question of changing the meaning of marriage, it should be noted that the narrowly activist views of the member for Burnaby—Douglas are not even representative of the 3% of our population who claim to be homosexual. Official statements have come forth from representatives of the homosexual community who believe the definition of marriage should be left intact and not changed at all. It is important to note that this activist assault on marriage is not even unanimously supported by the homosexual community.

It brings me to the matter of people whether we are talking about people who have a religious or non-religious persuasion. People are being described as hateful or homophobic because they disagree with the homosexual lifestyle or because they want to see the marriage definition left alone. Many people have been intimidated into silence out of the fear of being stung with these labels and accusations.

On the other side of the ledger, I have seen books, articles and seminars which decry marriage as hateful and evil, and as a dangerous institution. While I profoundly disagree with that position, I will never try to legislate into silence those who propagate such a view, and nobody should.

Let us look at the trend that is developing. It is deplorable that a school teacher in British Columbia has been savaged because he made public in a newspaper his views about homosexuality. School board members in Surrey have been verbally and legally attacked because they voted not to expose grade one children to homosexual literature and other examples abound. This quasi-legal bullying has taken place without the added clout of Parliament or the Supreme Court trashing the heterosexual definition of marriage.

Imagine the programs of compulsory social reprogramming that will befall proponents of heterosexuality should we erringly vote today to change the clear meaning of marriage. This forced culturalization is taking place now with those who err in the area of political correctness, and it is happening with a vengeance in other jurisdictions also. It can happen here further. Let us not encourage that by changing the definition of marriage in our Parliament today.

Supply

Further to the question of definition is the incumbent lack of definition of what may evolve months or years from now as marriage itself is redefined, given the total lack of definition of the term sexual orientation. I have asked for definitions of that term and cannot get that definition.

• (1510)

Critics sneer at those who suggest that an open-ended definition of marriage would soon result in legal challenges from those demanding the right to legal recognition of other types of partnerships such as multi-partner marriage, either on religious grounds or for reasons of orientation. That concern that some have raised should not be derided or dismissed. Those demands are already in fact on our doorstep. As a legislator, I have already sat and received a presentation made to me with that request, for the change in the definition of marriage to allow multi-partner marriages.

In Canada, on this matter of rights, adults and in some cases children as young as 14 years old already have the right to cohabit in any consensual relationship they want. Same sex benefits apply in most union and corporate contracts already. Quebec has a domestic relations act. Alberta has a civil unions act. Ontario and other provinces make similar provisions already for same sex unions. This should cause even less compulsion and not more by the activists who want to change the definition of marriage. It does make one wonder, what is the real agenda driving this tiny group of activists?

While on the topic of activism, we need to address the matter of the courts. Our present system of democratic and judicial checks and balances has been widely predicated on some realities, first the reality that human beings are imperfect and at times human beings will choose to do what is wrong and in pursuit of their own freedoms they will rob others of their freedoms.

Society also recognizes that human beings, as being created by God, have certain rights which need to be protected. Along with that there is an awareness that there will always be demagogues who believe they can create utopia on earth by enforcing their particular system on society as a whole. Marxism and Fascism represent two such examples.

Not perfect but in a fairly good attempt to deal with these realities, western democracies devised a somewhat ingenious yet utilitarian way of parliamentary democracy whereby elected citizens would make the laws while the courts would rule on those who break the laws, laws given to the courts by the elected legislative assemblies.

Judges would be protected from political and mob intimidation by being given long tenures of service and citizens would be protected from out of touch law makers by having the electoral power on a regular basis to throw them out of office and elect those who would create better laws or repeal bad ones.

This somewhat precarious social equilibrium has served us fairly well up until the last couple of decades. Following a disturbing international trend, Canadian judges are increasingly upsetting the social apple cart by taking it upon themselves to read into existing legislation things which were never intended by the elected framers of that legislation.

This lack of respect for the democratic process is unfortunately resulting in a growing lack of public respect for the judicial process

and that trend, if it continues to go unchecked, will move us dangerously down the road to social anarchy. Along with that, citizens will wonder why we bother with elected democracy at all if a small group of selected, unelected and protected people are making all the decisions.

It has been unsettling enough to see courts telling governments what they can or cannot do on items such as reducing taxes or providing social benefits. The trend is now at its zenith as many of us watch in awe as unelected judges take it upon themselves to order parliaments to change the legal and dictionary definition of marriage.

Just as an aside, in talking to editors of the Oxford dictionary, they have no intention whatsoever to change the age old definition of marriage. They recognize better than the courts and some politicians that the definition of marriage predates governments, religious systems and in fact the written word.

We must restore the balance to our judicial and democratic process, and today we must stand for what we know to be true about the effect on society of marriage. History is clear, as cited by Toynbee and others, that no civilization has ever survived a societal decision to cease protecting and promoting this thing we call marriage, the legal, unique definition of a union between a man and a woman.

• (1515)

I make these comments today encouraged by the majority view of my constituents and by the phrase in our Canadian constitution imploring me to recognize the supremacy of God and the conviction deep in my heart that Canada will not be able to handle financially or socially the effects and consequences of a parliamentary or judicial decree putting an end to marriage as we know it.

May we keep these things in mind as we debate this. May God keep our land.

Ms. Wendy Lill (Dartmouth, NDP): Mr. Speaker, I want to ask the hon. member a question which has come to me after listening to the debate today.

Several members on all sides of the House and somebody from the Conservative Party quite eloquently asked what it was about the idea of same sex relationships and their impact on heterosexual relationships? How will someone who has a longstanding, loving relationship with someone of the same sex dilute in any way impact on your own relationship which I gather is with someone of the opposite sex. I clearly do not understand why you have that problem seeing as we are talking about tolerance and loving relationships.

The Speaker: I remind the hon. member for Dartmouth to address her comments to the Chair.

Mr. Stockwell Day: Mr. Speaker, we have acknowledged that people can have relations with whomever they choose. They have the legal right in practically every province to do that.

The member asked what is there about different types of relationships that will dilute marriage. It is the changing of the definition of marriage that will dilute the notion of the uniqueness of marriage between a man and a woman.

Supply

About three years ago we saw a reversal in the somewhat disturbing trend of people abandoning the idea of marriage as a social institution as people once again began to embrace and put faith in the aspect of family and of marriage as defined between a man and a woman. Is it not now ironic that as society moves to embrace the definition of marriage as between a man and a woman, the courts and their parliamentary accomplices are about to drive a legal stake through the heart of the definition of marriage? We do not have the mandate to do that. It is not our role to do that.

It is not other relationships that will affect marriage itself. It is we as elected people in conjunction with the courts ending marriage as we know it that will weaken marriage.

Mr. Norman Doyle (St. John's East, PC): Mr. Speaker, I recently read a very informative, insightful and well thought out column by Richard Gwyn which I do not know if any other members read. He said:

Now that the law is to be amended to legalize marriages between same-sex couples, in what way is an intimate relationship between a man and two women or between two men and a woman...less deserving of being recognized as a legitimate marriage?

He went on to say:

[It] is wrong only to assume implicitly that the current change—permitting same-sex marriages—will be the last change...

At some point, a marriage will cease to be a marriage in any recognizable sense of that term.

I want to ask the member if we are not running the risk of destroying the institution of marriage entirely. What is the member's opinion that same sex marriage is indeed a contradiction in terms, that marriage is a heterosexual relationship, is a unique form of sexual expression and is necessary to procreation?

• (1520)

Mr. Stockwell Day: Mr. Speaker, I find myself agreeing with the premise of the hon. member's question. I made reference to it in my remarks. I would forewarn the member because he has raised the possibility.

Because there is no clear definition of what sexual orientation is and once we abandon a clear definition of what marriage should be, he has suggested, in quoting a reporter or journalist, that other types of relationships will come to the fore demanding legal recognition. I can almost guarantee he will be ridiculed and derided by some of the all-wise elites who say what a ridiculous notion that is. I do not think it is a ridiculous notion. It is a very clear possibility.

As I indicated, I have already had an occasion in my office where a gentleman was making a proposal that we should change the definition of marriage to accommodate his particular orientation to have more than one wife. As a matter of fact, he had two at that particular time. He had recently emigrated here. He was a hard-working guy, a taxpayer, a law-abiding individual, which I appreciated, but he wanted me to change the law so he could legalize the present relationship which he was now in. I told him that he was living that situation now and that he was not going to get arrested for that. However he was asking me to go out to my constituents and make a change to allow him to be legally recognized as married to two women now, and he suggested there could be more in the future, with all the incumbent rights.

As I referenced earlier, society cannot afford the effects of the abandoning of the definition of marriage. We cannot afford young couples moving away from an enhanced sense of responsibility when it comes to the upbringing of children. We cannot afford society moving away from a sense of responsibility to care for the aging members of a marriage union. We cannot afford, as the hon. member mentioned, society moving to embrace the rights and all the incumbent costs of a variety of types of relationships, some which maybe those of us here in the House have not even imagined or contemplated.

Mr. Clifford Lincoln (Lac-Saint-Louis, Lib.): Mr. Speaker, I believe there is a consensus among us, and I am convinced there is, that this issue is complex, it is sensitive, it is emotional and it is divisive. This is why I think we should approach it with great mutual respect and with tolerance.

I would like to say here and now that I approach it with a feeling of total understanding of the position of the side that I do not share. At the same time, I have always had and continue to have a profound conviction and belief in the traditional definition of marriage.

While I treat the views of the other side with the greatest respect and sensitivity, I think we should be extremely cautious before we abandon the traditional definition of marriage and rely on the judgment of the Ontario court, which I have read and reread with a lot of seriousness. I would like to refer to that.

The position adopted by the judges was that the provisions of section 15(1), which enshrine the equality of individuals under law, when measured against the intent of section 1, which provides for reasonable limits in the application of rights and freedoms under the charter, should predominate. The court came to the conclusion that section 15 (1) should predominate because there were no grounds for invoking the reasonable limits under section 1. The court ruled unreservedly in favour of same sex marriage on the basis inter alia of section 15(1) of the charter.

Recently, before my colleagues, I deplored the fact that no consultation or debate took place as to whether we should appeal or not appeal to the Supreme Court, and how, if the decision were to refer, we should have had more debate or consultation as to what the substance of that reference should be. It was all imposed from on high.

The Globe and Mail published a long article after my caucus intervention, following which I declined to give an interview, recognizing the confidentiality of caucus. It followed that up with an editorial questioning my good faith and bringing into comparison a speech I made in 1988 in the Quebec National Assembly about rights, a speech known as "rights are rights are rights".

The contexts were totally different. In the 1988 case, the right of freedom of expression, a universal and fundamental human right enshrined in the universal declaration of human rights, was taken away by legislation. Five resolutions of the party in power, my party, had been passed, saying we would recognize a judgment of the Supreme Court. When the Supreme Court judged, we decided to use the notwithstanding clause to suspend the judgment.

Supply

What I said this time was very different. My questions were rhetorical in form. I addressed the whole question of limitation of acquired rights. I said that marriage in its traditional definition has been a universally accepted institution over the millennia. It is not just a matter of law. It is a complex web of social, legal, moral, religious, sociological and natural elements.

On this basis could it be, and it was a question, that the Supreme Court might see differently from the Ontario and B.C. courts regarding the reasonable limits provision of section 1 of the charter? Maybe not, but possibly yes. After all, this is why we have a Supreme Court: to have a court of last resort that reflects on these issues after lower courts have decided.

I looked at the judgment of the Ontario court. In its analysis, it says, "the issues raised in this appeal are questions of law". It said further, "In our view, 'marriage' does not have a constitutionally fixed meaning". In this it contradicts our previous justice minister, who felt it did. In saying it did not have a constitutionally fixed meaning, the court said that society evolves and compared this to banking and criminal law.

• (1525)

Many of us feel that marriage is far more than a strict question of law, that certain institutions, because of their intrinsic nature, are surely less flexible and evolutive than others. What about monogamy? Should it be evolutive under the law according to the evolving mores of society? Should we accept, in due course, poly-unions or polygamy because societal evolution dictates that way?

This is where the role of Parliament comes in. The role of Parliament is to address far more than the strict definition of laws. It is to take into account social mores and sociological impacts, all the various components that form a whole, a far broader concept of societal issues. Otherwise, EI as we know it today, employment insurance, would be ultra vires under the law because it does put people in different categories. An appeal would have given us time to address these issues and possibly craft a consensus among mutually respectful people.

When I married, I got married in two separate phases. There were two ceremonies, one a civil union, and, on a completely different date, a religious marriage. For me, I took the religious marriage as the date of my marriage.

There are solutions ahead of us if we had just looked at them, if we had discussed them, if we had had a debate here before the minister decided on his reference, which he imposed upon us, including the substance of it.

It is symptomatic that the U.K., which cherishes human rights just as much as we do, has decided to take 10 years to evolve on this issue and to find a consensus. It is symptomatic that so far only two nations in the world, the Netherlands and Belgium, have decided to put aside the universal acceptance of marriage.

I am extremely sad that because of the hasty and autocratic treatment of this very delicate issue by our government, we are now living polarization and emotion such that Canadians have been divided into two camps. The letters fly back and forth; the emotion is intense. I am convinced that if we had adopted a more judicious

treatment of it, we could have avoided the division and malaise we have visited upon ourselves.

I keep hoping and praying, against all hopes I must say, but one has to hope, that somehow we will find it in ourselves, maybe through this debate, to get together and find a solution that is acceptable to those who claim that marriage is for all of us and to those who claim, like I do, that the traditional definition of marriage between a man and a woman should endure into the long term.

• (1530)

Mr. Jim Gouk (Kootenay—Boundary—Okanagan, Canadian Alliance): Mr. Speaker, I would like to take the opportunity to express my sentiments on this to the hon. member who just spoke and get his comments.

My position echoes the sentiments of Norman Spector, who is a B.C. political commentator and in fact was previously a Canadian ambassador. For a variety of reasons, Canadians have an interest in finding ways to strengthen marriage, especially given the relationship between poverty and family breakdown. I really congratulate the hon. member for pointing out, I believe, that it is inappropriate to have the flavour of the month override the fabric of our society throughout the ages.

I acknowledge that gays and lesbians raise kids, that not all heterosexual couples have children, and that society allows infertile men and women to marry. However, these exceptions do not prove the rule and the rule is that gay and lesbian unions, while professing to share much in common with traditional marriage, can never be about procreation and therefore are different in one very fundamental respect. Neither the courts, political parties nor societies at large should seek to change or erode this distinction.

I look at this the way my parents would look at it. I know how they would feel. In fact, ironically, the hon. member knew my father very well, and I am sure he knows how he would feel on this as well. I appreciate the hon. member's words. I invite his comments on what I have said.

Mr. Clifford Lincoln: Mr. Speaker, I have always believed that the people who crafted our charter and crafted our laws were people of great wisdom who saw society as a very large issue, and that they crafted certain clauses, especially section 1 of the charter regarding reasonable limits, to enshrine the possibility that institutions that have been with us in the long term should be protected, that reasonable limits should be put on it to prevent the fact that societal mores, which evolve at a tremendous pace, should not interfere with basic institutional frameworks that have been with us, in this particular case, over the millennia. This is why I disagree fundamentally with the Ontario Court of Appeal, which compared marriage to banking and criminal law, as if marriage is one of those things that evolves, that today it is marriage between a man and a woman plus marriage between people of the same sex, and tomorrow it will be marriage of three, four, and five people together, because society evolves that way.

Supply

It seems to me that we should have exercised far more caution. We should have taken the step that the British have taken, which is to say this is an institution that has been there for thousands of years, so let us take our time and look at it deeply.

There have been judgments, but there is still the Supreme Court. We could have appealed. It would have given us two years to have debates here in the House of Commons to find solutions that would respect the rights of one another. I do not think we have done this, and because of a hasty, injudicious decision, we are now faced with tremendous polarization in society and, if the example of my riding is such, then I think this society is deeply into a malaise and is very polarized on this issue.

• (1535)

[*Translation*]

Mr. Richard Marceau (Charlesbourg—Jacques-Cartier, BQ): Mr. Speaker, one of the most insurmountable obstacles for politics and political activity is cynicism. We as parliamentarians often encounter cynicism in the general public.

Roughly fifteen years ago when I started to become involved in politics, I saw a man from another party rise the National Assembly and say, “Rights are rights are rights”. This man, a minister at the time, is now the member for Lac-Saint-Louis in the House of Commons.

What happened to the man who said, “Rights are rights are rights”?

Mr. Clifford Lincoln: Mr. Speaker, that man is still around; he stands tall and believes fundamentally in the issue of human rights more than ever. I want to explain my position.

The context of and reason behind what I said in the Quebec National Assembly in 1988 was totally different from the current debate. I could turn the question around and say that, to me, the current definition of marriage, which dates back several thousands of years and was universally accepted by all the major religions and by all the people on Earth as the union between a man and a woman, is a given right that must be defended.

That is why, in the Canadian constitution, in the Charter of Rights, section 1 provides for reasonable limits. Earlier I quoted the Ontario court that said we could not invoke the constitution in matters of marriage, which put the former justice minister in contradiction with the Ontario court since she believed it was a clear and well established constitutional issue. The court ruled that this was not possible, because the constitution has to be flexible since society's traditions and customs constantly evolve. The court gave the areas of banking and criminal law as examples.

Marriage is much more than law. The Ontario court said that it was a legal issue, but it goes beyond the law. It seems to me that traditional marriage, the definition of marriage, is a complex web of natural law and moral, religious, legal and sociological elements—

The Acting Speaker (Mr. Bélair): Order, please. The hon. member for Parkdale—High Park.

[*English*]

Ms. Sarmite Bulte (Parkdale—High Park, Lib.): Mr. Speaker, the current law with respect to marriage in Ontario is absolutely clear

and was confirmed by the Ontario Court of Appeal on June 10, 2003 when it upheld the lower court's decision in *Halpern v. Attorney General of Canada*, et al.

The then existing common law definition of marriage, the voluntary union for life of one man and one woman to the exclusion of all others, was found not only to violate the dignity of persons in same sex relationships, but was found to violate equality rights on the basis of sexual orientation under subsection 15(1) of the Canadian Charter of Rights and Freedoms.

The court, acting within its jurisdiction pursuant to section 52 of the Constitution Act, reformulated the common law definition of marriage as the voluntary union for life of two persons to the exclusion of all others. Therefore, the current legal definition of marriage is the voluntary union for life of two persons.

As noted by Mr. Justice LaForme in a lower court decision in the *Halpern* case, the former legal definition of marriage has its roots in the common law and the statutory marriage laws of England. It is generally understood that in common law the definition that is routinely referred to is found in the statement of Lord Penzance in the 1866 English case of *Hyde v. Hyde and Woodmansee*. That definitional statement of Lord Penzance reads as follows:

I conceive that marriage, as understood in Christendom, may for this purpose be defined as the voluntary union for life of one man and one woman, to the exclusion of all others.

It is important to bear in mind that we are talking about a definition of marriage that dates back over 137 years ago to 1866. Society has evolved over the last 137 years. It has not remained static and the courts have assisted Parliament in their complementary role of addressing fundamental societal issues as they have evolved, especially with respect to the rights of Canadians to equality before the law.

For example, in 1929 the Privy Council ruled in the *Edwards* case that women were persons and therefore could be appointed to the Senate. In 1989 the Supreme Court of Canada ruled in the *Brooks* case that it is illegal to discriminate against women who are pregnant. In 1992 in the *Schachter* case, the Supreme Court of Canada ruled that under the Employment Insurance Act fathers had a right to paternity leave to stay home and take care of their children.

In the same way that society has evolved, so has the societal concept of marriage. For example, in the last 20 years the rights and obligations of common law marriages have evolved. As Justice Blair noted in the lower court decision in the *Halpern* case:

Experts on all sides of these proceedings confirm that societal concepts of marriage have changed and marriage is not a static institution within any society.

Mr. Justice Blair further noted:

The common law does not remain static. Its very essence is that it is able to grow to meet the expanding needs of society.

Supply

To deny same sex couples the right to marry is to deny them access to one of the fundamental institutions of our society. The new common law definition of marriage does not create new rights; it simply ensures equality before the law. Changing the old common law definition of marriage is not only about acknowledging how our society has evolved over the last 137 years, but it reflects the fundamental Canadian values of fairness, tolerance and non-discrimination.

This change in the definition of marriage is a reminder to all Canadians that it is not acceptable to discriminate. We as Canadians have always prided ourselves as being an inclusive and just society, a society which values diversity in all of its many forms and which respects minority rights.

● (1540)

I have heard many of my colleagues speak of how they have been inundated with calls, letters and e-mails which clearly demonstrate that public opinion is against changing the definition of marriage. I too have in fact been threatened. Last week I received a letter from the pastor of a church down the street from my constituency assuring me that if I chose to support this legalization, and I quote “not only will you lose my vote, but I will do my best to encourage the entire community not to vote for you. I can assure you that you will not even receive 10% of the support of the community because of your position”.

I have also seen that some polls have indicated there has been a decline in support for a new definition of marriage. While polls may be useful, we cannot get lost in them. If we slavishly followed public opinion, we may end up inadvertently over-emphasizing the decisions of some media editors, but more important, we would endanger some of the values that we are proud of as Canadians. For example, the protection of minority rights, language rights and the rights of the first nations are fundamental as to who we are as a people. The different concerns of Canada's regions are also centrally important to us, but the actions taken to protect these interests might not always be shown as the most popular.

It is also interesting when one talks about this issue in the family. My children do not understand what this debate is all about or why we are even having it. For them, same sex marriage is a basic issue of equality, tolerance and respect for other people's rights. My eldest son David, who is 22, also reminded me this summer that we keep talking about the institution of marriage, institutions, institutions, but he said, “You are forgetting, Mom, that what you are talking about is people. You are talking about individuals and how demeaning it is to be denied rights that exist for others”.

Two years ago when we passed the Modernization of Benefits and Obligations Act, my daughter again asked me why we were discriminating between heterosexual couples and homosexual couples because by doing so we were hurting the girls in her school who did not have a traditional mommy or daddy or did not have the traditional Kodak family.

I fully believe and endorse the government's decision that it is the right time in our history to open marriage to include same sex unions. It is also required if the equality provisions of the charter are to be met. Extending marriage to same sex couples does not take away any rights from opposite sex couples, nor does it erode the

significance or sanctity of marriage. On the contrary, it provides more Canadians with access to this fundamental institution of marriage. Same sex partners are seeking the same legal recognition of their commitment as other couples are.

In the Ontario Superior Court decision in the Halpern case Mr. Justice LaForme also held that charter infringement could not be saved by section 1 of the Canadian Charter of Rights and Freedoms. He specifically noted as follows:

It cannot be demonstrably justified in a free and democratic society. The exclusion of same sex couples from the right to marry serves no identifiable pressing or legitimate governmental objective.

To conclude, I would like to address the issue which some of my colleagues have raised about finding some alternative status for same sex couples, which is tantamount to marriage but is not really marriage. I do not believe that this is an option. It falls short of true equality and I believe would not withstand a further charter challenge.

Subsection 15(1) of the Canadian Charter of Rights and Freedoms is clear:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination—

As I see my time is running out, I would like to conclude with the very eloquent words of Mr. Justice LaForme, which echo what I also truly believe:

It is my view that any “alternative status” that nonetheless provides for the same financial benefits as marriage in and of itself amounts to segregation.

This case is about access to a deeply meaningful institution—it is about equal participation in the activity, expression, security and integrity of marriage. Any “alternative” to marriage, in my opinion, simply offers the insult of formal equivalency without the charter promise of substantive equality. Again, an “alternative”, I find will only provide a demonstration of society's tolerance—it will not amount to a recognized acceptance of equality.

● (1545)

Mr. Jay Hill (Prince George—Peace River, Canadian Alliance): Mr. Speaker, I have been sitting here all day long and appreciate the opportunity to make a couple of comments and ask the hon. member a question.

I listened quite intently to her speech. I guess the problem I have with it is that, if I understood it correctly, her main points were along the lines that she feels quite strongly, and I believe in her sincerity, that this is an issue of discrimination, it is an issue of fundamental equality. I think she called it true equality.

I want to use an analogy that one of my constituents remarked to me some time ago. He talked about two pieces of furniture, a table and a chair. They are made out of the same wood and have the same grain. They both have four legs and are used for the same purpose, but they are not the same. They are not equal. No matter how much one might think they are the same, they are not.

I wonder if there is not some middle ground here because as she said, the country is deeply divided on this issue. We all recognize that, both sides of the argument.

Supply

I do not believe that redefining marriage is a way to address what she views is discrimination. I think that by redefining marriage and changing the age old definition of marriage, which is the union of one man and one woman, it will discriminate against those who believe in that definition. While they want to avoid discrimination on one hand, that discrimination might apply to others.

Would the member not agree that there are ways to address this through civil unions or domestic registered partnerships? It is already happening at the provincial level without redefining marriage in statute.

● (1550)

Ms. Sarmite Bulte: Mr. Speaker, what is important and fundamental here is that we as a federal government also ensure that there is uniformity across the country. In B.C. and in Ontario the law as it currently stands today is the union of two persons. It is no longer the union of a man and a woman. I think we need to take a leadership role to make sure that equality exists throughout the country and not leave it to piecemeal. To have anything less than true equality is not acceptable.

I think that is one of the main things that the justices were saying when they looked at this issue with respect to registered partnerships. It is sort of equal, not quite equal. If we look at segregation, it tends to segregate people.

What we are asking for here is the basic rights that are provided by section 15 of the charter, the right to have access to that institution of marriage, the right to make the same type of commitment that marriage involves and the right to participate in that. That is what we require and it is the only solution that there is here. It has to do with equality before the law for everyone.

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Mr. Speaker, there were seven provinces and the territories that did not agree with the interpretation that is being put forward today. I would also like to point out that there is nothing stopping same sex couples from enjoying a committed relationship. They enjoy all the rights and privileges as common law couples do in the country.

For my part, rather than putting my own views forward, I put out a questionnaire to my constituents. Eighteen hundred people responded, and we must remember that was in the midst of my riding being on fire, so 1,800 responses is a pretty strong response. Ninety-three per cent of those people who responded are in favour of maintaining the traditional definition of marriage.

Therefore, I would like to ask the member, is she basing her views, the way she is going to vote, on the views of her constituents, or is she basing them on her background as a lawyer?

Ms. Sarmite Bulte: Mr. Speaker, I am pleased to reply to the question because in my riding there is overwhelming support for the current law in Ontario which supports the union of two persons. Yes, I am also basing my vote and how I will be voting against the motion today not just on being a lawyer but on the belief that what I am doing is the right thing. It is the right thing for all Canadians and it is right that all people be treated with equality before the law.

Mr. Keith Martin (Esquimalt—Juan de Fuca, Canadian Alliance): Mr. Speaker, I am sharing my time with my colleague and friend from Fraser Valley.

I stand today with some degree of ambivalence on this issue. I will get to that a little later. In the grand scheme of things how important is this issue, given the more pressing issues that are affecting Canadians from coast to coast?

The issue at hand is whether we should change the definition of marriage and whether it should include individuals of same sex or whether we should keep it in its traditional definition of those who are of opposite sex.

There are two sides to this issue. I want to stand back and paraphrase, as my colleague from northern British Columbia mentioned, can we accommodate both sides. Can we accommodate the notion that homosexual couples can be loving and caring and live in relationships and should be treated in the same fashion as those of us who heterosexual or does it have to change? Can we respect the traditional definition of marriage while still respecting the right of homosexual individuals to live in long term relationships and receive the same benefits and rights as those who are heterosexual?

I believe we can. I believe that this is an issue of respect for both sides. In doing so, both sides can be respected.

I believe also that the radicals on both sides will never be accommodated. Of course that is the situation in most arguments.

Someone mentioned that this is equivalent to the days when women could not vote, the days south of the border when blacks could not vote, that certain groups could not receive the same benefits as others, that they were truly discriminated against on the basis of tangible benefits to the individual or group.

I would argue that is not the issue here today. I defy anyone in the House to tell me that in changing the definition of marriage that somehow it will change in some way the inequality that has taken place between heterosexual couples and homosexual couples. Is there a tangible benefit that would be accrued to homosexual couples by changing the definition of marriage? I would argue that there is not one.

In the dark days years ago homosexual couples, as capable as heterosexual couples of living in committed, long term, dependent, loving, caring relationships, did not have access to the same financial benefits as heterosexual couples had. Thankfully those days are over. Homosexual couples do receive the same medical benefits, pension benefits, survivor benefits as heterosexual couples.

For individuals living in a long term relationship, the issue at hand is not the gender of the two people involved. The issue at hand is one of dependency and a long term situation. Thankfully the days when that discrimination took place are over.

However that is not what we are talking about here today. We are talking about simply changing the definition of marriage.

Supply

My colleague, who was formerly a Reform member, Ian McClelland, put forth a very intelligent bill in the 1993 to 1997 Parliament calling for registered domestic partnerships. Registered domestic partnerships would be based on two people regardless of their gender who chose not to get married in the traditional sense. They would be defined and enshrined in a partnership and would acquire and accrue the same financial and tangible benefits as those who lived in a marriage situation.

If the House had chosen to take the situation at hand seriously, addressed the issue and adopted the solution by my colleague, Ian McClelland, then we probably would not be debating this motion here today. The issue would have been dealt with in a respectful and fair fashion by both those who believe in not changing the traditional definition and those individuals who believe the definition ought to change.

I suggest that the government of the day should indeed pursue that course which I think would be respectful of both groups.

Few issues have created more calls to my office than this one.

• (1555)

I decided to say to the people of my riding that I would vote according to what they told me. That did not include those who called my office in an unscientific fashion. I polled randomly the people in my riding. Of the thousands of letters I sent out, I received a significant number back. Of the letters I received back, 120 people said to change the definition of marriage and 420 people said not to change it. That is the way I will vote.

At the end of the day I hope we get to an era when sexual orientation does not matter. Those individuals who choose to shake one's hand and say that they are so-and-so and they are heterosexual are irrelevant. Similarly, those people who are gay and try to introduce themselves as homosexual do not matter. A person's sexual orientation does not matter. What matters is that we are loving, caring, considerate and responsible and that we are individuals who give toward society, who try to be inclusive and are tolerant. Those are the qualities I argue are important for individuals, societies and groups and I hope we focus on that.

We like to somehow castigate the judges, but the judges have taken their decisions because the House has failed to deal with this issue. We need not and should not be slamming the judges because they are doing what Parliament has failed to do. If we had been on the ball and taken our responsibilities seriously to deal with issues both controversial and non-controversial, not only would we have done the job that the Canadian public asked us to do, but we would have done what was right. We would be responsible and we would be dealing with the issues that the Canadian public has asked of us and for which it pays our salaries.

I also want to say that I am deeply angry and frustrated. This issue has dominated the House for a long time. It dominates the media. I just came back this summer from seeing children who had been prostituted on the streets since the age of 11 to feed their parents IV drug habits. They are now in their teenage years and they are HIV positive, they have hepatitis and they are still on the streets. I was dealing with people who had mental disorders and who lived on the

streets. They have fallen through the cracks. They are subject to violence and die by their own hands or sometimes by other's hands.

I just came back from West Africa two nights ago where I saw children who had their arms chopped off by rebels. I met women who had been gang raped. I met orphans who had watched their parents hacked to death. I saw many children who had watched their parents burn to death. I saw people living in a toilet.

The House should be dealing with those issues and others. We should be dealing with the people in our country who cannot get a job. We should be dealing with the individuals who are aged and live at home in quiet desperation and pain because they do not have access to the health care our system should be providing. Some individuals who gave to their country and fought in wars cannot get access to home care and live sometimes in their own excrement because they do not have anybody to care for them.

Is that the Canada we want? Are those the issues with which the House is dealing? No, it is not. It is a shame and a pox on all in our House in my view that we debate this issue, important to some, but in the grand scheme of things there are many larger issues of life and death that are affecting Canadians and indeed people in other parts of the world with which we are not dealing.

Why are we not dealing with the number one issue that Canadians care about, which is health care? Why do we allow the Senate report, which is an excellent report, and the Romanow report to sit collecting dust? Why are we not having a meaningful debate on our defence forces so we can give them the tools to do their job?

My time is up, Mr. Speaker, but I just ask the government, in the lukewarm, pea soup legislative agenda that it has introduced in the House, why is it not dealing with the issues that Canadians care about, that mean something to Canadians and can relieve their suffering, their pain and will save lives?

• (1600)

Mr. Paul Szabo (Mississauga South, Lib.): Mr. Speaker, the member has raised some interesting points. Looking for that respect for the differences between Canadians is extremely important and to deal with this in a sensitive and respectful fashion is very important, as is the aspect of registering civil unions, et cetera and protecting that definition of marriage, which I think is at the essence of the debate that has been going on, not only in Parliament but in Canada.

I noted during the member's discourse though that in referring to relationships between two people he left out the one element of the procreative factor. The Ontario Court of Appeal identified three foundations of marriage being: the commitment, the contractual and the procreative. However I am sorry but they summarily dismissed the procreative aspect because gay persons could have a child through a previous marriage or through adoption and therefore it really was not an issue. Quite frankly, it is an issue.

My grandmother passed away this summer. She had 3 daughters, 10 grandchildren, 14 great grandchildren and 3 great-great grandchildren. Canadians I think understand that there are some differences, that it is related to the procreative element of marriage and that is something to be celebrated in Canada and around the world because it is the basis on which society sustains itself.

I would appreciate the member's comments.

●(1605)

Mr. Keith Martin: Mr. Speaker, if procreation was a prerequisite to marriage, then we would not be marrying people over the age of 45 or infertile couples, and yet we do. Although historically that has been stated as a reason for defining marriage in its traditional sense, in actuality it is not, as one of the members from the government said very eloquently on the more complex reasons for the traditional definition of marriage. I would refer people to the member's eloquent comments in talking about its structural and historical reason for defining.

If by maintaining the status quo, it is somehow going to deprive homosexual couples of a tangible material benefit, then I would not vote in the way I expect to vote. I would vote to change. At the end of the day equality and access to tangible benefits between couples, regardless of gender, should be a cornerstone of our country, and it is simply an attitude of fairness.

However many of us would argue that the reason to maintain the status quo has to do with simply a traditional definition rooted in a respect for those with a certain view while still respecting those who would like to see a change but allowing them to have the same access to the tangible benefits that those of heterosexual couples accrue.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, I do not know if the hon. member is aware of this but I have a copy of a letter sent to me which was dated August 10, 1999 when the present Minister of Health was the then minister of justice. At that time she had received I believe a petition about changing the definition of marriage. She wrote a letter to the gentleman in B.C. and explained to the man that his concerns were serious however the definition of marriage as the union of one man and one woman to the exclusion of all others was already the clear law in Canada, and she stated she would like to take the opportunity to clarify why.

The minister said that the definition of marriage in federal law was not in a statute passed by Parliament but was found in the federal common law dating from 1866, the British case of *Hyde and Hyde v. Woodmansee*. She said that the case had been applied consistently in Canada and stated that no marriage could exist between two persons of the same sex.

I do not know if the member is aware of that.

However since 1999 the present Minister of Health, who was the then minister of justice, has stated unequivocally that marriage is between man and woman and can not be between anyone else. I cannot understand why she would even think of voting in favour of this. Can the member understand it?

Mr. Keith Martin: Mr. Speaker, I cannot speak for the Minister of Health in what she chooses to do, but let me just briefly say this. I really hope that we as a House can get back to work and back to dealing with issues that really matter to people's lives in a blood and guts fashion. I hope that we will start dealing with reform of our health care system. I hope we will start dealing with ways that we can improve the unemployment system in our country. I hope we will be able to improve our own situation internationally. I hope we will start dealing with the real issues of terrorism and security, of which Iraq has little to do with. I hope we will start dealing with

Supply

these issues that have an impact on the lives of Canadians. If we do that, we will be doing our job and will be making a meaningful impact on the lives of average Canadians.

●(1610)

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, I agree with the member for Esquimalt—Juan de Fuca that there are other issues that we should be dealing with. It is certainly because of a lack of action on the part of the Liberal government that we must deal with this issue here today.

It is not a matter of choice on our part. It is the fact that the Liberal government has failed to appeal recent court decisions. It has failed to bring in, as the member himself has pointed out, legislative options that could have been considered in this House. It has failed, frankly, over the last decade, to deal with difficult social issues that it seems to want to defer to courts, tribunals and so on. We must deal with this because time is of the essence and the federal government itself has bypassed Parliament and that has made it necessary here today.

This summer I enjoyed watching a French film entitled *La grande séduction*. It is a funny film. Even with my limited French, I did enjoy it a lot. It is about a fishing village on the east coast and its wild attempts to convince or seduce a doctor to take up residence in the quaint but secluded town. For the characters in the movie, almost anything and everything went. It was fair game, as far as they were concerned, in their efforts to keep the young doctor from finding the truth about what was actually happening in the town where the fishing had all dried up and there was not really much of a future for the young doctor.

[Translation]

It is much the same with the debate on the redefinition of marriage. All sorts of arguments are being offered to convince the public that it is necessary to change the definition to include homosexuals. Sometimes their arguments are impassioned; usually they are sincere. But the important thing, in reality, is that the Canadian public is being seduced—as in *La Grande Séduction*—by the Prime Minister's office and the Liberal Party.

[English]

It is true that there are other top of mind issues that have been in the news all summer long. We think of the SARS crisis, the forest fire crisis in British Columbia, mad cow disease and so on. But it is essential, because of the lack of action by the Liberal Party, that we deal with this idea of redefining marriage because it has been building momentum all summer.

Canadians want it dealt with and in a place where they can see what is happening, not behind closed doors in the Prime Minister's Office or in the courts through a ruling they read about in the newspapers instead of it having been done in public.

Proponents of the new definition to include gay couples have been encouraged by recent court rulings while opposition to it has been the single biggest source of mail and phone calls in my office for weeks. It is important to Canadians.

Supply

Most of the arguments and the people making them have been reasonable and thoughtful, on both sides frankly. I appreciate hearing all views, but I cannot help but conclude that those arguing that we have no choice but to proceed with redefining marriage are part of that grande séduction. They are trying to convince us that it is just the way it has to be, that there is no choice, that parliamentarians have their hands tied, and we simply must proceed as the federal government insists.

Many folks cannot understand how we found ourselves in this dilemma. Parliament supported a Reform Party—now the Canadian Alliance—motion in 1999 stating that marriage should be the union of one man and one woman and that the government should take all necessary steps to defend this definition.

Most people, when they looked on after 1999, looked at the facts. The Prime Minister and the member for LaSalle—Émard supported the motion. The current and past justice ministers supported it. The current health minister and former justice minister supported the motion. They all supported it and we all naturally assumed that they would do it.

The last bit of chicanery, the last part of the grande séduction, was to put together a committee to travel the country. Many members in the House have done that in an honest attempt to find the compromise solution that the member for Esquimalt—Juan de Fuca argued for, and I think properly so. The committee tried to find some way through this quagmire in a thoughtful way by listening to Canadians and experts on the subject.

However, that Standing Committee on Justice and Human Rights was not allowed to even table a report or alternative, or a suggestion to the House of Commons. There was no follow through on taking all steps necessary. We are not talking about using the notwithstanding clause. We are talking about appealing the lower court decisions, asking for important input from Canadians and from parliamentarians, and coming up with thoughtful and considerate ways of dealing with what is obviously a big issue to many people, including the courts.

Instead we are told that we cannot discuss it, cannot vote on it, that we are not going to have further debate on it, and that it has to be the way the cabinet says. Perhaps the cabinet should have listened to the then justice minister, the current health minister, when she said during the 1999 debate:

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

Absolutely. I agree with that statement. I did then and I do now. We need to be creative and get at it in a way that respects people on all sides of the debate, but it is not necessary, as the minister herself said, to redefine marriage in order to do that.

The Liberal government's promise to take all necessary steps to preserve the traditional definition of marriage has now been broken dramatically. Its new promise—we heard it again today from the current justice minister and he was passionate about it in his question and comment period—is to protect the right of religious organizations that refuse to marry same sex couples. That is the new promise,

but needless to say such promises are not much comfort to those who have considerate, thoughtful but differing views.

The shelf life of a promise of a federal Liberal cabinet minister is less than four years. That is why there is a concern. People say they just do not trust cabinet ministers in the long term.

What about the courts, charter of rights, or the legal framework under which these decisions are made? It is important to remember that when the Charter of Rights and Freedoms was brought in and adopted, Parliament voted specifically not to include sexual orientation in the charter because it felt that was a good issue to be debated and decided here as a social issue affecting all Canadians. It is something that should be debated here. Even the current Prime Minister made the argument when he was justice minister that that was the way it should be done.

● (1615)

The Supreme Court has not been seized with this in the sense of asking it to define marriage, but when it ruled on this in the Egan case it said absolutely that marriage was a special relationship worthy of special protection. If the Supreme Court wants another reference to it to get another opinion that would be fine, but the last word it said on it was exactly that. The Supreme Court said it was a special relationship worthy of special protection.

To simply throw our hands up in the air, as the current Prime Minister and the Prime Minister-in-waiting from LaSalle—Émard have done, and say we cannot do anything because the courts have told us what to do and our hands are tied is not acceptable to me and it is not acceptable to millions of Canadians who expect a debate to take place on the floor of the House of Commons with a stand up vote, freely taken and freely given, so we can all stand and be accountable for our actions on both sides of the House. It is not acceptable to simply say the courts have decided so what can we do.

Another part of *La grande séduction* is the argument that opposing the redefinition of marriage makes one intolerant or worse. I heard that again this morning and that is repugnant to me. Certain ministers on the Liberal side and other members down this way have said that if we do not accept their argument we are bigots. That is not debate.

I have heard from thoughtful and concerned people on both sides of the House and they are not saying they will not listen to the arguments coming from down there or from a member of the homosexual community. As far as I am concerned those Liberal members are not worth listening to. It is unacceptable in the House of Commons that differing views from thoughtful and caring people who want to find a solution and a way through this quagmire, who respect people on both sides of the debate, are not allowed to voice their opinions and are instead shouted down as bigots or worse. That is not acceptable in the House of Commons.

I welcome thoughtful debate on divisive issues and difficult issues because this is the place to have it. That is what civilized people do. Some of parliament's finest hours have come after an agonizing debate and a thorough airing of divergent views.

What most offends me during this period of time is the growing tendency on the part of the Liberal Government of Canada to take every divisive issue, whether it is sexual orientation, the redefinition of marriage, what we should do on international agreements and tribunals, what we should do with reproductive technology, or what we should do with any divisive or difficult issue, and hand it off to tribunals, unelected courts, unelected people, international groups, ex-parliamentarians and so on, and not make a decision here in the House of Commons where it should be taken.

It is not acceptable for members to say, as one of the Liberals said last week, that it is offensive to stand and be counted. It is part of *La grande séduction* to say that we do not have to stand and be counted. We should stand and be counted. We will be standing and we will be counting tonight. When that decision is taken, people will see not only what we have said but how we stood in the wall and in the breach for what we believe in. We have to justify it. We have to stand. We will be counted tonight.

• (1620)

Mr. John Harvard (Charleswood—St. James—Assiniboia, Lib.): Mr. Speaker, I am prepared to stand and be counted. I say with great respect to the member who has just spoken that I profoundly disagree with him, but I certainly respect his position.

The proposed legislation enshrines religious liberty. The legislation says any church, any mosque, and any religious organization that does not support same sex marriage does not have to be a part of same sex marriage. They do not have to conduct any kind of ceremony with respect to same sex marriage. I am glad that we have that in the legislation because I can assure the House that if we did not have that kind of religious liberty I would not be supporting it, but I do.

I am sure that the member believes in religious liberty as well, but what does he say to the United Church of Canada which has evolved like so many institutions and now is in favour of same sex marriage? What does he say to the Unitarian Church of Canada? What does he say to the Quaker's of Canada who want to marry same sex couples? Will he deny them that religious liberty?

Mr. Chuck Strahl: Mr. Speaker, I would say three things to that. One is that it is interesting that the member who just spoke supported this same motion in 1999. He felt it was a good idea at the time and has changed his mind now. I do not know what has changed. If it is a principled decision he is making, I do not know what principle has changed over the last four years. I would suggest none. In fact it is exactly the same motion. Nothing has been changed.

Second, the promise in the proposed legislation, which we are not dealing with today and which has been referred to the Supreme Court, there is a line about protecting religious institutions that choose not to marry same sex couples.

On Wednesday we will be dealing with Bill C-250 which would add sexual orientation to the list of protected groups under the hate crimes legislation. If that goes through I guarantee that someone will bring forward an argument that not agreeing to marry someone of the same sex constitutes an infringement on their rights and an identifiable hate crime under this section of the law if that legislation passes on Wednesday, which is a good possibility.

Supply

I would say that it is faint reassurance to say to people that it is in legislation so they can be confident. Many people are not even confident given the charter protections, let alone legislative protection, because they see it as a win for the government, not something that we can count on in the long term. That is a problem that will not satisfy, not just the religious groups but it will not satisfy people who just want to believe in one thing and not the other. However not even being allowed to say it is a serious concern, not only for religious groups but for society at large.

[Translation]

The Acting Speaker (Mr. Bélair): I wish to give one of the hon. members who has not yet spoken today an opportunity to do so.

The hon. member for Richmond—Arthabaska.

Mr. André Bachand (Richmond—Arthabaska, PC): Mr. Speaker, in the same vein as my Liberal colleague, I would like to remind my hon. colleague from the Canadian Alliance that his leader, after oral question period—not concerning Bill C-250, but rather the bill he will introduce this week—made it very clear that if a church in Canada, any church at all, marries two people of the same sex, that is illegal. Is that what religious freedom looks like in Canada?

After oral question period, the leader of the Canadian Alliance said that if churches marry same sex couples, it is illegal. But for religious freedom to be protected, it goes both ways.

What does the hon. member think of his leader's remarks?

• (1625)

[English]

Mr. Chuck Strahl: Mr. Speaker, I think we are talking about two separate issues. What we are talking about is if an organization of whatever sort wants to hold a meeting and say that it declares the following, it can do whatever it likes. There is nothing to stop anyone from doing whatever they like. What we are talking about is the definition of marriage under federal statute. That is our job. Churches will do as they will. They have meetings, their own constitutions and they will decide internally about their own policies and what they will do and who stands in the pulpit, who gives an oration and that is their business.

I would encourage people to vote for the current definition and work toward an understanding in a compassionate way to deal with other relationships. As the member for Esquimalt—Juan de Fuca said, we must find another way to deal with other relationships that are important, that are part of a changing and evolving society but not to attack the institution of marriage in order to do it. It does not help anyone's case to say that he or she must have something that was started in the misty past of the dawn of history in legislation or else it is not fair. That is not true. It is an evolving society. We must have evolving institutions but that does not mean we have to redefine marriage in order to do it.

Supply

[*Translation*]

The Acting Speaker (Mr. Bélair): Order, please. It is my duty, pursuant to Standing Order 38, to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for Burnaby—Douglas, Health; the hon. member from Saskatoon—Humboldt, Employment Insurance.

[*English*]

Mr. Mauril Bélanger (Ottawa—Vanier, Lib.): Mr. Speaker, I thank my colleague from Scarborough East for agreeing to share his time with me as I acknowledge this issue which is occupying a great proportion of Canadians' collective consciousness. It is a debate where everyone has a usually firm opinion.

[*Translation*]

I would even add that this debate gives rise to more than argumentation, reasoning and ideas. It also gives rise to strong emotions, since morality, social conscience and religious beliefs come into play, whether we will or no.

[*English*]

It is therefore with some trepidation and with humility that I engage in this debate hoping to encourage a dialogue between groups and individuals of differing views, and to encourage understanding, not only among colleagues who will be called to vote on the issue, but also among our constituents to whom we are all ultimately accountable.

[*Translation*]

As members of Parliament, we must look at all issues from a number of different perspectives, since we are simultaneously individuals, elected representatives and lawmakers. For the hon. members, in my opinion, examining these three roles is essential when establishing one's position on topics like the one now before us.

[*English*]

It is up to Parliament to protect minorities and it does so by first debating and then passing legislation. It does so when members of Parliament strike a balance between the three roles they play when they consider, not only their personal beliefs but also the opinions of their constituents and the implications for our constitution, our charter and all of the laws they encompass.

[*Translation*]

Personally, I am a Canadian citizen, a native of Ontario and a child of francophone parents. This is an important aspect of my life, since I have often fought long and hard—and sometimes still do—to obtain certain fundamental rights, such as the right to be educated in my mother tongue. As a result, I became very aware of the reality faced by minorities. This was primarily before the Charter of Rights and Freedoms was adopted.

I want to recognize the contribution of a Premier of Ontario, the Hon. Bill Davis, without whom francophones would probably not have access to a high school education.

This was before the Charter of Rights and Freedoms, which was adopted in 1982. People knew at the time that it would have a major impact on our society. It did, in fact, have such an impact.

● (1630)

[*English*]

The charter that we adopted is of great importance in my life and in the lives of numerous individuals and minority groups. In the application of the charter and laws that have been adopted since, we as a society have learned to live and let live, and to respect that others may and will have different points of view. I have also learned to be proud of my country and in its capacity to evolve, to accept and then to embrace change both pre- and post-charter.

[*Translation*]

Various fundamental decisions have been mentioned, such as giving women the right to vote. No one would dare consider reopening this for debate today.

Remember the flag debate. It was divisive, but today we are all proud of the flag.

The same is true of the decriminalization of homosexuality in 1969. No one I talked to since this debate began has suggested that we go back to the way things were in 1969.

On the issue of marriage, I think that there has also been an evolution. That is why I am talking about it today. I think that most Canadians agree that marriage is not just an institution to ensure procreation and the survival of the species. It is also a social institution covered by legislation and by comprehensive jurisprudence to protect spouses and their offspring, if any. Finally, it is also an institution by which a couple seeks love, a shared life and understanding.

[*English*]

As members of the House of Commons, we have a responsibility to represent the will of the citizens of our ridings to the best of our abilities, citizens who come from all walks of life, who adhere to different political philosophies and who hold every opinion imaginable. In this sense, the views of the majority must be carefully weighed and given precedence when they do not impede on the rights of the minority.

[*Translation*]

This brings me to the point that, in addition to representing the many points of view of my constituents, I was also elected to make decisions. Of course we always do our best to make the right decision, in other words, the decision that best represents the will of the public we represent.

The wonderful thing about this responsibility for making decisions is that the final decision always rests with the public we represent. If the people in my riding are unhappy with my decisions or my votes, they can choose, every four years or less, not to re-elect me.

[*English*]

Judging from the correspondence, the telephone calls, the e-mails, the conversations I have had and the comments I have heard since the Ontario Court of Appeal precipitated this debate, a majority, albeit a slim one, but a majority of the constituents of Ottawa—Vanier are in favour of recognizing the rights of homosexuals to marry.

Polls published in different papers, undertaken by different companies, have tended to indicate that is so. Therefore, in the case of Ottawa—Vanier, I believe I uphold both the will of the majority and the rights of the minority by being in favour of extending the right of marriage to same sex couples.

[*Translation*]

There is the issue of member as legislator. Before beginning my work, I took an oath, and from time to time, I have to think back to this oath to uphold the Constitution, the laws of the land and democracy.

I had to do so in two cases where I intervened in court proceedings to help people who were appearing before the courts to have their rights upheld, namely in the Montreal rally case, and now in another case that will soon be heard: the Quigley case, which pits an individual against this parliament.

I must perform my role as legislator with respect, responsibility and balance. In terms of respect, I would like to refer to the religious aspect of the word "marriage". I think it behooves us to protect the ability of religious groups to discriminate, to say that they will not offer the sacrament of marriage to homosexual couples, based on their own beliefs, the way the Roman Catholic Church does with divorced couples, or other religions.

We must also protect the ability of a religious group to say yes, we agree to recognize same sex couples, the way the United Church does.

Because the charter guarantees freedom of conscience and religion, this freedom must be available to all and not just to those who accept, or do not accept, same sex marriages.

Then there is the aspect of responsibility. There is no doubt whatsoever, under the Canadian constitution, section 91, subsection 26—which I imagine we are now all familiar with—that the matter of marriage and its fundamental conditions falls under the jurisdiction of the Parliament of Canada. It is also a matter of national uniformity on this. As a result, when the constitution was drafted in 1867, this matter was designated as a federal responsibility.

I have read the court interpretations of the cases in Quebec, British Columbia and Ontario, and accept them. I am applying my own reasoning. I also believe that the charter is very clear, and this is what is seen from a reading of these decisions. The charter is very clear; we cannot discriminate, we cannot have a separate regime unless we invoke the notwithstanding clause, and that is a debate for another day.

Finally, we must seek some balance. This leads to this criterion, where I believe it is possible for Parliament, with one law, to respect the charter, that is the civil aspect of the word marriage, to recognize that all couples, whether of the same sex or opposite sexes, must be able to be married, because this is a contractual matter, and to also recognize the religious meaning of marriage and to protect that, in order to protect the ability of the various churches and sects to discriminate.

I think that the legislator would in this way have attained a respectful and responsible balance, and this law would then meet the

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charter test and the section 1 test. I would just like to quote section 1 of the Charter of Rights and Freedoms, which reads as follows:

The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

I therefore believe that all of the elements are in place in order to be able to effectively fulfill our triple role as MPs and to create a situation with which the large majority of Canadians can identify and feel comfortable.

● (1635)

[*English*]

Finally, I wish to share with colleagues that the notion that this Parliament should deal with this legislation is one that I share. I have heard many colleagues mention today that they would prefer that Parliament be seized of this bill instead of sending it to the Supreme Court for reference. I share that view and I believe that if we as parliamentarians were seized of that legislation and passed it, it would stand the test of the charter and section 1 of the charter.

* * *

BUSINESS OF THE HOUSE

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, there have been consultations among House leaders and I have a series of motions which I would like to propose to the House. All of them have been agreed to by House leaders of the various parties.

The first one is, that the division on report stage of Bill C-34 be further deferred to immediately before any deferred division on private member's business at 5:30 p.m. on Wednesday, September 17, 2003.:

The division was scheduled for later this day. In other words, the motion is to defer that vote until tomorrow.

The Acting Speaker (Mr. Bélair): Is there unanimous consent?

Some hon. members: Agreed.

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, there has been unanimous consent for the following:

That, during debate on Bill C-421, the Speaker shall not receive any quorum calls, dilatory motions or requests for unanimous consent and when debate concludes, a division shall be deemed to have been requested and deferred to Wednesday, September 17, 2003 at 5:30 p.m.

The Acting Speaker (Mr. Bélair): Is there unanimous consent?

Some hon. members: Agreed.

Hon. Don Boudria (Minister of State and Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I think you would find unanimous consent for the following:

That Motion No. 200 be withdrawn from the Order Paper.

This is at the request of the hon. member for Beaches—East York, in whose name the motion stands.

The Acting Speaker (Mr. Bélair): Is it agreed?

Some hon. members: Agreed.

Supply

(Motion agreed to)

● (1640)

Hon. Don Boudria: Mr. Speaker, I wish to inform the House that I shall be proposing that Bill C-49 be referred to committee before second reading.

* * *

SUPPLY

ALLOTED DAY—MARRIAGE

The House resumed consideration of the motion and of the amendment.

Mrs. Betty Hinton (Kamloops, Thompson and Highland Valleys, Canadian Alliance): Mr. Speaker, I listened with great interest to the last speaker and I have two questions I would like to ask him.

Would he agree that the majority of Canadians who agree with the change to the definition of marriage are actually unaware that same sex couples already enjoy the rights and privileges of common law couples?

I have to tell him that in my own riding three mainstream ministers have told me that they will no longer marry anyone of either persuasion if this is upheld in the House of Commons. Does the member think there would be any valid reason for people to feel that uncomfortable that they are going to refuse to marry any couples?

Mr. Mauril Bélanger: Mr. Speaker, the answer to both questions is no.

Mr. Grant McNally (Dewdney—Alouette, Canadian Alliance): Mr. Speaker, I want to congratulate my colleague for his well-reasoned speech. I do not agree with everything he said but I do agree with the way he laid it out in the recent debate that he made.

I want to say that for some of the same reasons he is going to support the change to the definition of marriage, I am not going to support the change to the definition of marriage. The vast number of constituents who have contacted me by phone, e-mail or letter or who have dropped by the office to have personal conversations have overwhelmingly supported the traditional definition of marriage, unlike the constituents in his riding.

I want to make one point that was alluded to by my friend's colleague from Lac-Saint-Louis. He touched on a very important philosophical point which really has not been mentioned by anybody else and has not been expounded on. It has to do with the intrinsic value of marriage.

He talked about the Ontario court decision laying out the analogy of marriage being the same as criminal law or banking, almost as though he were comparing marriage to the colour of the carpet that we would choose in this chamber. It is very much different from that and my colleague from Lac-Saint-Louis was alluding to that, that there is intrinsic value in marriage itself and that by changing the definition of marriage, we do not actually recognize those intrinsic values, the bedrock of marriage as the foundation of our society. I want to quickly quote from the Ontario court decision. At point 129 it states:

The difficulty with the Attorney General of Canada's submission is its focus. It is not disputed that marriage has been a stabilizing and effective societal institution. The couples are not seeking to abolish the institution of marriage; they are seeking access to it. Thus, the task of the Attorney General of Canada is not to show how marriage has benefited society as a whole, which we agree is self-evident, but to demonstrate that maintaining marriage as an exclusively heterosexual institution is rationally connected to the objectives of marriage, which in our view is not self-evident. What is self-evident is that marriage is intrinsically good and has provided the bedrock of our society.

Mr. Mauril Bélanger: Mr. Speaker, I do not think there is a contradiction in what the member has said and what I have said. I believe that indeed marriage as we have known it will continue to exist for an overwhelming majority of the population.

The question is, as legislators we have a duty on the civil side of this, the meaning of the word marriage in terms of its contractual arrangements. In that sense, the charter is quite clear and tribunals whose job it is to interpret the laws we set, such as the charter, have made it quite clear that we cannot discriminate unless we wish to invoke the notwithstanding clause, which is another debate that we probably will have at some point.

In terms of having a pluralistic society, I see no contradiction in the majority of people wishing to engage in remaining in a heterosexual marriage and some living in a homosexual marriage. I think the laws of Canada can accommodate that, as well as protect the ability of the church, of the religious organizations, to discriminate. I think that we as legislators can accomplish that so that this country can carry on being the great institution that it is.

● (1645)

Mr. John McKay (Scarborough East, Lib.): Mr. Speaker, we certainly had a tumultuous summer on this subject. I do not know whether my constituents are more irritated by the decision itself or the fact of the irrelevancy of Parliament to this debate.

Parliament has spoken at least three times on this subject in the last few years: once in a free vote in 1999 in an overwhelming vote of 216 to 55 in favour of the traditional definition; in 2000 on Bill C-23 and again on a harmonization bill and both of those were whipped votes.

The courts have felt perfectly free to ignore everything that Parliament has said to date. I dare say that pretty well everything that is said today will be ignored as well.

Parliament is irrelevant to this debate because it allows itself to be irrelevant. Power abhors a vacuum. Parliament gave the charter to the people of Canada yet the judges have not at all been shy about using that power to the maximum.

This is not a dialogue between Parliament and the judiciary. This has become a monologue in which Parliament is afraid to speak with any authority.

I sit on the justice committee. We spent six months travelling the country going to 13 separate communities. Well over 200 briefs were directly submitted to us. There were over 450 written submissions. Regardless of the views, I thought it was an excellent exercise in democracy. Everyone got their say and just possibly there may have been some meaningful exchanges among the participants. When the people are given an opportunity to speak they usually have some wisdom to share.

Supply

Not only were the members of the justice committee ignored, so also were the hundreds and thousands of people who made an effort to participate in the process. In one fell swoop the Court of Appeal of Ontario trashed the efforts of the committee and devalued all those who chose to participate, making any report that we would like to make utterly and completely irrelevant.

Those who think the decision of the Court of Appeal is a good decision should think carefully about any future participation of Canadians in the democratic process. Why would anyone really bother? Why would they let themselves be humiliated? Indeed, why bother to vote?

There will be those who argue that this is in fact a free vote. For an observer from Mars, that might appear to be a free vote, but let not the rest of us be so naive. The government has chosen not to appeal this decision and ask for a stay in that decision and is therefore creating facts on the ground.

In early June the government's official position was to support the traditional definition of marriage. By the end of the month the government had turned 180 degrees in the opposite direction and proposed a reference to the Supreme Court of Canada to which any first year law student already knows the answer, and drafted a bill which allows for no other alternatives whatsoever. In addition, the Prime Minister has signalled to members of the cabinet and therefore his parliamentary secretaries that they will not be free to vote as they see fit. The Minister of Justice has been travelling the country to argue with the provinces to just treat the bill as if it had already passed.

The contempt for Parliament and by extension its MPs as representatives of the people is breathtaking. We will collectively bear witness to MPs and cabinet ministers swallowing themselves whole in this so-called free vote.

For those who generally accept the deconstruction of the institution of marriage in the name of equality, I say good for you. Vote as you see fit. I profoundly disagree with you.

Having now commented on the process by which we get here, I would like to talk about the issue itself. Professor Daniel Cere of McGill University has analogized heterosexual marriage to a web with a variety of strands which underpin the very existence of our society and our nation. Among the variety of strands are sociological, anthropological, legal, theological and generational.

The courts in their deconstruction have said that all these strands are non-essential to the core meaning of marriage. Marriage according to the Court of Appeals is merely a love institution, two persons with a pulse having sex.

The conventional relationship between opposite gender people reaching generationally backwards and forwards is an incident of a marriage, not its core element. The Court of Appeal has literally bombed the intergenerational bridge both front and back.

Heterosexuals reach back to previous generations and forward to future generations. The Court of Appeal has said in effect "So what? It's not a core feature of marriage". Inherent capacity of heterosexual couples to procreate is nice but it is not a necessity.

● (1650)

The court has said that the way in which heterosexuals reach out to a larger society and say in effect "we will perpetuate you" is a novelty, but it is not a core element. And forget all that religious nonsense. It is just a collection of myths anyway. We are a secular society and we have no space in our one size fits all pluralism to buy into anyone's ancient myths. It is really a conceit to equate equality with sameness.

Pluralism should respect diversity. People come in all shapes, sizes and orientations. They are not the same, but this crude deference to equality has convinced us that the same is equal and equal is the same. This is intellectual nonsense. A just society treats its citizens with equality before the law. It does not jam each and every citizen and each and every relationship into identical boxes.

The courts have bought this crude idea because Parliament is AWOL on this issue. We have deferred to the legal equality claims in deference to all else. We have bought the notion that if it is not exactly the same, then it is not equal. In the marriage debate that works itself out to say that homosexual relationships must be equal to heterosexual relationships, therefore, marriage must be reshaped and redefined to accommodate the equality claims so that they are the same thing. This is nonsense in life, but apparently not nonsense in law.

Mr. Justice Charles Gonthier is quoted as saying, "To permit the courts to wade into this debate risks seeing Section 15 (equality) protection against discrimination based upon sexual orientation being employed aggressively to trump Section 2(a), protection of the freedom of religion and conscience".

Apparently nothing short of marriage is good enough. We get into this foolishness about separate but equal. All of those in the 1960s school busing debates start playing tapes in their heads. Heterosexual couples are different from homosexual couples for one very obvious reason: gender. They are equal for the purposes of law, but they are not the same. Same is not equal and equal is not the same. The issue is to achieve legal equality, not sameness. A principled view of pluralism would respect not only the need for the freedom of the individual but also the cooperation that is required to create conditions of common good.

Our charter is an important statement of rights and freedoms, but it is silent on the conditions necessary to create common good. When we let the lawyers run away with the debate and give undue deference to judicial pronouncements, we erode the conditions for the common good. It is rights without responsibilities.

By dumbing down marriage to two persons with a pulse having sex, we have destroyed the conventional and replaced it with the contractual. The law of contract serves us very well in the exchange of goods and services but is supremely inadequate to express the complexity of opposite gender relationships. Marriage is or has become a contract, nothing more, nothing less. All those strands to which Professor Cere referred, which feed that web, are charming but not necessary, are mere mythologies.

Supply

At the justice committee, we were repeatedly cautioned not to mess with marriage. The example frequently quoted was the change to the Divorce Act, which created no fault divorce. It was argued that this was a tiny change affecting an insignificant number of people and would alleviate genuine hardships. Who today can say that their family has not been affected by no fault divorce? It has affected every marriage in the nation and continues to be a national tragedy. We have achieved the distinction of being one of the most divorcing nations in the world.

Today we are invited to make a minor change to the definition of marriage, which will affect a small number of people and alleviate an injustice. Do not be naive: this will affect how everyone regards marriage and will have consequences for the heterosexual community far beyond those apparently minor inconsequential changes.

● (1655)

Caution is the operative word. There are alternatives available and I would, if I may, urge everyone to support the motion.

Mr. Larry Spencer (Regina—Lumsden—Lake Centre, Canadian Alliance): Mr. Speaker, providing strong marriages is one of the best things we can do for our children. It is there that they experience love and it is there that they see and experience commitment and develop their character. We only have to listen to children in classrooms or observe them on playgrounds to discover that there is something happening which they are missing out on in some homes where there is not a mother and a father.

I would like to ask the hon. member, whose speech I really appreciated and who has made some excellent points, if he would elaborate a little. Does he believe that this would lead to more harmful settings for the children of this nation?

Mr. John McKay: Mr. Speaker, I think in all candour I will refer to a presentation at the justice committee by Professor Allen, from the University of British Columbia, I think it was. He read *Hansard* after the debates on no fault divorce. His comment was that pretty well no one in the House, either ministers or MPs, actually predicted the consequences of this small change to the Divorce Act.

So in all candour, I do not know how this small change to the definition of marriage will affect our society. I do not really think it will affect me and my generation. I think it will, however, play out over the generations and I do not see that as a good thing.

Heterosexual marriage as it presently exists is easily the best way in which men relate to women, it is easily the best way in which women relate to men and it is easily the best way in which children relate to their parents. That is a socially incontrovertible fact. All other forms of relationships are inferior to that and it is statistically verifiable that a common law relationship is far less stable than a heterosexual marriage relationship.

I say to the hon. member, who raises a valid point, that I cannot say with any precision how this will roll out. I do have some legitimate concerns. As I expressed, the issue of caution here is operative. There are other alternatives.

Mrs. Elsie Wayne (Saint John, PC): Mr. Speaker, I want to thank the hon. member very much for his presentation, but my question has to do with the polls. I have in my office, and I would be happy to bring them over, letters that stack so high.

An hon. member: How high?

Mrs. Elsie Wayne: I will bring them here for the hon. member to see. They come from British Columbia right through to Newfoundland, and the people are begging us not to redefine marriage. The other way, I have only so many. That is exactly the way it is. Here is what I want to know from the hon. member. The polls say 48% are for and 43% against, and then the next day it is even. I can tell the House that it is not. In my opinion, 28 million people across this country are for the traditional family, and maybe there are 2 million the other way. I would like the hon. member to tell me how he feels about it.

● (1700)

Mr. John McKay: First, Mr. Speaker, I think decisions should be made on principles rather than polls. I share with the hon. member the overwhelming number of people who have written to us in a particular way. Today I had 400 e-mails in my office alone, so I understand the dynamic and I understand what is involved here.

We hear the argument that we do not do rights by way of popularity contests. What members need to think about carefully is that the rights component of this debate is significant, but it is not overwhelming. There are all kinds of other components to this debate, which I would submit far exceed the potentially discriminatory effect of the same sex marriage debate.

The issue for me is that we have to balance the rights issue with the multitude of other issues that come in. That is why I think Professor Cere's analogy to the complexity of a web is probably as good an analogy as I have seen.

Mr. Gurmant Grewal (Surrey Central, Canadian Alliance): Mr. Speaker, I rise on behalf of the constituents of Surrey Central to participate in the debate on the Canadian Alliance motion reaffirming the traditional definition of marriage. I will try to be very brief so that my colleague from Nanaimo—Cowichan can share the time with me.

In June 1999, I rose in this very chamber to debate the same motion, quite aware of the future court challenges to the definition of marriage. On that day, parliamentarians sent a powerful message to the judiciary, making it clear where we stood on this issue. An overwhelming majority of members, 216 to 55, on both sides of the House rose to support our motion reaffirming the definition of marriage. By the way, only 11 Liberal members opposed the motion that day.

As it turns out, however, the courts did not care what legislators had to say on the issue. When the Ontario Court of Appeal challenged Parliament by arbitrarily redefining marriage, the Liberals' true agenda came out. The government refused to appeal the Ontario ruling, deliberately undermining Parliament's clear position. After campaigning on their promise, one by one the member for LaSalle—Émard and others are abandoning the public vote they cast in 1999 in favour of marriage and in favour of Parliament's democratic authority on this issue.

Supply

The justice minister has referred an amended definition of marriage to the Supreme Court of Canada as a result of three provincial court decisions striking down the definition of marriage as unconstitutional. Once these judges, most appointed by the Prime Minister, have ruled on the issue, the Liberals will demand that a democratically elected Parliament simply rubber stamp the bill.

It is bad enough in this era of the Charter of Rights and Freedoms that the judiciary has not only assumed the power to strike down laws but also to read into laws things that are simply not there. It is a wrong precedent and absolutely a slap in the face of democracy.

The government's actions will draw the Supreme Court even further into politics and take away even more power from Parliament. The anointed Liberal leader and next prime minister will have a larger democratic deficit on his hands.

I have attended about 20 wedding ceremonies during the break where people have asked me to keep the traditional definition of marriage. Canadians, irrespective of religion or ethnic background, are disappointed by the Liberal government for their flip flopping in the last four years and for being proactive in changing the definition of marriage, which is the core of family values.

During the summer break, I held very successful town hall meetings on family values in Cloverdale, Fleetwood, and Newton in Surrey Central. My constituents have had a free and fair opportunity to express their views. My office has received a tremendous amount of correspondence on this issue and on religious freedom and family values.

The issue of marriage is at the core of family values. My constituents have told me that family values are important because they value our families. Families are the building blocks and foundation of society. The stronger the families the stronger the communities, and the stronger the communities the stronger our nation will be.

The family is a fact of life. It is not an option but a need of our society. The family is the reason that society exists. The family provides the loving, caring and supportive relationships. Because of families, we are able to nurture, develop and protect our children.

Therefore, federal laws should uphold our family and social values. The Liberals have offered a bundle of anti-family values since 1993. The Liberals have refused to protect the institution of family by not standing up to the challenges to marriage, spouses, family status and structure. Issues like divorce, shared parenting, custody and access and adoption are issues where they have shown weakness, and they refuse to protect children from sexual predators and child pornography, prostitution and abuse.

• (1705)

We know about the sex books for the kindergarten students in Surrey and the films and Internet to which children are being exposed.

The Liberals have refused to raise the age of consent from 14 to at least 16 for an adult to have sex with a child.

The Liberals have refused to crack down on sexual abusers and to put in place an effective sex offender registry. They have also failed

to make tougher laws against violent crime and to put in place minimum sentences or other deterrents and prevention. We know the criminal justice system works for criminals, not for the victims.

The Liberals have failed to respect life in assisted human reproductive technology.

We all know about religious freedom in this place. We know about Bill C-250, which is the other side of the coin that is causing serious disturbance in society for religious freedom.

The Liberals have failed to offer equal opportunities to all citizens. They have failed to uphold social safety nets and benefit programs for families: security, CPP, retirement savings and medicare. They have failed to produce a family friendly income tax system that would not discriminate against stay at home parents. Two families in the same circumstances with the same total family income should not have different tax structures or tax bills.

I believe that Canadian law should be pro-family. Families are constituted by marriage, blood relation or by adoption. Marriage is a social institution. Marriage is not an option. It is a precondition for social survival. Threats to marriage and family poses counterfeit moral standards. Redefining marriage will no longer be a carrier of the message that children need mothers and fathers.

Where would the line be drawn on what would constitute a marriage. How about polygamy, age, blood relations? There would be no end to the litigation if this were opened.

Marriage is not only under attack by the courts but also by the ruling Liberal government. The federal government is making a grave error in judgment by not appealing the lower court decision to the Supreme Court of Canada and correcting the lower courts for overstepping their jurisdictions and then leave the decision to Parliament.

It is the role of Parliament, not the courts, to debate balancing conflicting rights in developing public policy and the laws of the land. Judges have the responsibility of finding the law as it exists, as it is made in this place.

Parliament has already given homosexual couples the same social and tax benefits as heterosexual couples in common law relationships. The definition of marriage and spouse were untouched but the definition of common law relationship was expanded to include same sex couples.

Some people say that this is an issue of equality. Marriage is the union of a man and a woman. How can it be equal to a union of two men or two women? I see something wrong with this equation. Moreover, some people say that it is an issue of human rights. I believe that it is an issue of moral values. I believe that the unique character and institution of marriage should be strongly respected and legally recognized.

Supply

I will therefore be voting to retain the traditional definition of marriage because it is what I believe in, what my constituents have told me, it is our party policy and I believe it is the right thing to do.

We will continue to defend democracy and the traditional definition of marriage, and the overall package of family values which the Liberals have polluted and not offered in a real sense to the Canadian people.

• (1710)

Mr. Jim Karygiannis (Scarborough—Agincourt, Lib.): Mr. Speaker, I listened to the member's speech and he used some language that was hard, polluted and everything else, and that is fine and fair. That is what democracy is all about. Everybody can come in the House and voice an opinion.

Parliamentary democracy, as we know it, has been here for something like 25 centuries. On the same token, the privilege of being married, the institution of marriage, of having someone to call a partner, a wife, a spouse, is something that has come down over the centuries.

As we respect democracy and as we respect other's opinions, we also have to respect the opinions of our constituents. When we run for election we say what we stand for and we make it clear if we have a personal vision. I did not tell my constituents my vision on this particular item but I listened very carefully over the summer as to where they wanted me to take this. I received close to 1,500 unsolicited phone calls, e-mails and letters from people who told me they were opposed to same sex marriage. On the same token, I received very few, close to 20 or 25, from people saying they were in support of same sex marriage.

As a matter of fact today I had an e-mail from a couple, two mothers, with a 10 year old son. They told me there was another point of view. They said that they did not intend to get married and I value their opinions.

In 1999 the House overwhelmingly said that a union is between a man and a woman and this House should do whatever it can to protect those basic words.

We are here today to exercise democracy. We are here today to join in this debate. We are here today to take a vote on where the House will go. I will have to listen to the voice of my constituents and vote in the way they want me to.

Therefore I take exception when the member across says that the Liberal members have polluted. I disagree with him and I urge him to rethink his statement.

Mr. Gurmant Grewal: Mr. Speaker, I did not say it was the member. I said that it was the party. I and my colleagues have given many examples throughout the time we have been debating this issue.

Let me make one thing clear. I took a position, along with my colleagues, early on in the debate. I advertised it in my local newspaper. I wrote articles inviting the public's opinion. The people in my constituency get what they see. I have backbone and I stand with it. When I put my name on the ballot, people will vote for who I am. I will not be changing my opinion after four years like those members have done on their side.

There are 301 members in this Chamber who represent 301 different communities. Leadership is not about looking at the polls and then making a decision. Leadership is about taking a principled position, standing behind it and then developing a consensus based on that.

The Deputy Speaker: It being 5:15 p.m., it is my duty to interrupt the proceedings and put forthwith every question necessary to dispose of the business of supply.

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 yeas have it.

And more than five members having risen:

The Deputy Speaker: Call in the members.

• (1750)

After the taking of the vote:

The Speaker: Could the member for Pierrefonds—Dollard please indicate to the House which way he is voting? The records indicate he voted twice. It would be helpful if we had clarification on this point.

[*Translation*]

Mr. Bernard Patry: Mr. Speaker, I would simply like to remind the House that I rose only once and that I voted against the motion.

(The House divided on the amendment:)

(*Division No. 209*)

YEAS

Members

Abbott	Ablonczy
Anders	Anderson (Cypress Hills—Grasslands)
Assad	Assadourian
Asselin	Bailey
Barnes (Gander—Grand Falls)	Bellemare
Benoit	Bertrand
Bonin	Breitkreuz
Bryden	Burton
Cadman	Calder
Cannis	Casey
Casson	Chamberlain
Charbonneau	Chatters
Cullen	Cummins
Day	Doyle
Duncan	Efford
Elley	Epp
Eyking	Fitzpatrick
Fontana	Forseth
Gallant	Gaudet
Goldring	Gouk
Grewal	Grey
Guarnieri	Hanger

Harper
Herron
Hill (Prince George—Peace River)
Hinton
Jackson
Johnston
Keddy (South Shore)
Kilger (Stormont—Dundas—Charlottenburgh)
Lastewka
Lee
Longfield
Lunney (Nanaimo—Alberni)
Malhi
Mark
Mayfield
McGuire
McNally
Meredith
Mills (Red Deer)
Murphy
O'Brien (London—Fanshawe)
Obhrai
Pankiw
Perić
Pickard (Chatham—Kent Essex)
Pratt
Rajotte
Reid (Lanark—Carleton)
Ritz
Schellenberger
Schmidt
Sgro
Skelton
Sorenson
Spencer
Steckle
Strahl
Thompson (New Brunswick Southwest)
Tirabassi
Tonks
Vellacott
Volpe
Wayne
White (Langley—Abbotsford)
Williams

Harris
Hill (Macleod)
Hilstrom
Hubbard
Jaffer
Karygiannis
Kenney (Calgary Southeast)
Lanctôt
Lebel
Lincoln
Lunn (Saanich—Gulf Islands)
MacKay (Pictou—Antigonish—Guysborough)
Maloney
Martin (Esquimalt—Juan de Fuca)
McCormick
McKay (Scarborough East)
McTeague
Merrifield
Moore
Normand
O'Reilly
Pallister
Penson
Peschisolido
Pillitteri
Provenzano
Reed (Halton)
Reynolds
Savoy
Scherrer
Serré
Shepherd
Solberg
Speller
St-Julien
Stinson
Szabo
Thompson (Wild Rose)
Toews
Ur
Venne
Wappel
White (North Vancouver)
Wilfert
Yelich— 134

NAYS

Members

Adams
Allard
Augustine
Bachand (Richmond—Arthabaska)
Barnes (London West)
Beaumier
Bennett
Bigras
Blaikie
Bonwick
Boudria
Bradshaw
Brown
Byrne
Caplan
Castonguay
Cauchon
Clark
Collenette
Coppes
Cuzner
Davies
Dhaliwal
Discepolo
Drouin
Duplain
Eggleton
Finlay
Frulla
Gagnon (Québec)
Gagnon (Lac-Saint-Jean—Saguenay)
Girard-Bujold
Godin
Graham

Alcock
Anderson (Victoria)
Bachand (Saint-Jean)
Bagnell
Barrette
Bélanger
Bevilacqua
Binet
Blondin-Andrew
Borotsik
Bourgeois
Brisson
Bulte
Caccia
Carignan
Catterall
Chrétien
Coderre
Comartin
Crête
Dalphond-Guiral
DeVillers
Dion
Dromisky
Duceppe
Easter
Farrah
Folco
Fry
Gagnon (Champlain)
Gauthier
Godfrey
Goodale
Grose

Supply

Guimond
Harvey
Jennings
Jordan
Knutson
Lalonde
Lill
Macklin
Manley
Marcil
Martin (LaSalle—Émard)
Masse
McDonough
Ménard
Mitchell
Neville
Pagtakhan
Paradis
Patry
Pettigrew
Picard (Drummond)
Price
Proulx
Regan
Robinson
Roy
Sauvageau
Simard
St-Jacques
Stewart
Thibault (West Nova)
Vancielief
Whelan— 134

PAIRED

Members

Bakopanos
Desrochers
Galloway
Tremblay

Bergeron
Fournier
Torsney
Valeri— 8

● (1800)

[English]

And the result of the vote having been announced: Yeas, 134; Nays, 134

The Speaker: The Clerk has announced that there is an equality of votes for and against the motion. In these circumstances the duty of the casting vote, as it is called, now falls on me as your Speaker.

I should make it clear that I am casting my vote tonight on purely procedural grounds. The precedents and practice of the House of Commons are designed to ensure that if the House cannot make a definitive decision on a question, the possibility should be left open for the question to come again before the House if members so choose.

Therefore, since the House has been unable to take a decision tonight, I will vote so that members may be given another opportunity to pronounce themselves on the issue at some future time and, accordingly, I cast my vote in the negative.

I declare the amendment defeated.

● (1805)

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.

Supply

The Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Speaker: In my opinion the nays have it.

And more than five members having risen:

• (1810)

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

(Division No. 210)

YEAS

Members

Abbott	Ablonczy
Anders	Anderson (Cypress Hills—Grasslands)
Assad	Assadourian
Asselin	Bailey
Barnes (Gander—Grand Falls)	Bellemare
Benoit	Bertrand
Bonin	Breitkreuz
Bryden	Burton
Cadman	Calder
Cannis	Casey
Casson	Chamberlain
Charbonneau	Chatters
Cummins	Day
Doyle	Duncan
Efford	Elley
Epp	Eyking
Fitzpatrick	Fontana
Forseth	Gallant
Gaudet	Goldring
Gouk	Grewal
Grey	Guarnieri
Hanger	Harper
Harris	Herron
Hill (Macleod)	Hill (Prince George—Peace River)
Hilstrom	Hinton
Hubbard	Jackson
Jaffer	Johnston
Karygiannis	Keddy (South Shore)
Kenney (Calgary Southeast)	Kilger (Stormont—Dundas—Charlottenburgh)
Lancôt	Lastewka
Lebel	Lee
Lincoln	Longfield
Lunn (Saanich—Gulf Islands)	Lunney (Nanaimo—Alberni)
MacKay (Pictou—Antigonish—Guysborough)	Malhi
Maloney	Mark
Martin (Esquimalt—Juan de Fuca)	Mayfield
McCormick	McGuire
McKay (Scarborough East)	McNally
McTeague	Meredith
Merrifield	Mills (Red Deer)
Moore	Murphy
Normand	O'Brien (London—Fanshawe)
O'Reilly	Obhrai
Pallister	Pankiw
Penson	Perić
Peschisolido	Pickard (Chatham—Kent Essex)
Pillitteri	Pratt
Provenzano	Rajotte
Reed (Halton)	Reid (Lanark—Carleton)
Reynolds	Ritz
Savoy	Schellenberger
Scherrer	Schmidt
Serré	Sgro
Skelton	Solberg
Sorenson	Speller
Spencer	St-Julien
Steckle	Stinson
Strahl	Szabo

Thompson (New Brunswick Southwest)
Tirabassi
Tonks
Vellacott
Volpe
Wayne
White (Langley—Abbotsford)
Williams

Thompson (Wild Rose)
Toews
Ur
Venne
Wappel
White (North Vancouver)
Wilfert
Yelich — 132

NAYS

Members

Adams	Alcock
Allard	Anderson (Victoria)
Augustine	Bachand (Saint-Jean)
Bachand (Richmond—Arthabaska)	Bagnell
Barnes (London West)	Barrette
Beaumier	Bélangier
Bennett	Bevilacqua
Bigras	Binet
Blaikie	Blondin-Andrew
Bonwick	Borotsik
Boudria	Bourgeois
Bradshaw	Brisson
Brown	Bulte
Byrne	Caccia
Caplan	Carignan
Castonguay	Catterall
Cauchon	Chrétien
Clark	Coderre
Collenette	Comartin
Copps	Crête
Cullen	Cuzner
Dalphond-Guiral	Davies
DeVillers	Dhalwal
Dion	Discepola
Dromisky	Drouin
Duceppe	Duplain
Easter	Eggleton
Farrah	Finlay
Folco	Frulla
Fry	Gagnon (Québec)
Gagnon (Champlain)	Gagnon (Lac-Saint-Jean—Saguenay)
Gauthier	Girard-Bujold
Godfrey	Godin
Goodale	Graham
Grose	Guay
Guimond	Harvard
Harvey	Ianno
Jennings	Jobin
Jordan	Karetak-Lindell
Keyes	Knutson
Kraft Sloan	Lalonde
LeBlanc	Lill
Loubier	Macklin
Mahoney	Manley
Marceau	Marcil
Marleau	Martin (LaSalle—Émard)
Martin (Winnipeg Centre)	Masse
McCallum	McDonough
McLellan	Ménard
Minna	Mitchell
Nault	Neville
Nystrom	Pagtakhan
Paquette	Paradis
Parrish	Patry
Peterson	Pettigrew
Phinney	Picard (Drummond)
Plamondon	Price
Proctor	Proulx
Redman	Regan
Robillard	Robinson
Rock	Roy
Saada	Sauvageau
Scott	Shepherd
Simard	St-Hilaire
St-Jacques	St. Denis
Stewart	Telegdi
Thibault (West Nova)	Thibault (Saint-Lambert)
Vanclief	Wasylcia-Leis
Whelan — 137	

PAIRED

Members

Bakopanos
Desrochers
Galloway
Tremblay

Bergeron
Fournier
Torsney
Valeri— 8

The Speaker: I declare the motion lost.

Mr. Jim Pankiw: Mr. Speaker, I rise on a point of order. As the keeper of the House, if you will, I believe it is your obligation and duty to uphold the keepings and the will of the House of Commons. We voted in 1999 to entrench and reaffirm the definition of marriage which in the dictionary is the union of a man and a woman. Therefore, I would ask you to revisit your vote because as the keeper of the House you should reflect what it is we are doing here.

• (1815)

The Speaker: The hon. member knows that the rules of the House prohibit any reflection on a vote in the House. The vote has taken place so I am afraid he is out of luck.

I strive to uphold the principles of the House, as I am doing now, and ruling him out of order. I am sure he appreciates that fact. I thank him for his intervention and his assistance to ensure that those traditions are in fact well respected, something we all want to do.

PRIVATE MEMBERS' BUSINESS

[English]

CHIEF ACTUARY ACT

The House resumed from May 15 consideration of the motion that Bill C-421, an act respecting the establishment of the Office of the Chief Actuary of Canada and to amend other Acts in consequence thereof, be read the second time and referred to a committee.

Mr. Chuck Strahl (Fraser Valley, Canadian Alliance): Mr. Speaker, it is a pleasure to speak to this bill today, notwithstanding what just went on in the vote before the House. It is a very disappointing moment for me personally but we must move on at this moment to this private member's bill.

Bill C-421, the chief actuary act, is a very important private member's bill. While chief actuaries are not exactly in demand as after dinner speakers, what they do and what they have to say about government business, about pension plans and about the security of our future is critically important. Actuaries are good speakers too, I just said that in jest.

It is very important that this bill go through as proposed by the member for Calgary—Nose Hill because a chief actuary, by giving a neutral or professional opinion without political interference on the stability and the long term viability of pension plans, basically assures us that our retirement years will be spent with a pension that is there to serve its purpose. In other words, we will not be shortchanged, we will not be shafted, we will not be left high and dry and we will not be experiencing freedom 75 instead of freedom 65. That is why the position of chief actuary, which would be created by this bill, is extremely important for the future of the country, for everything from the Canada pension plan and the actuarial

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information contained therein, the investments of the CPP investment board, the performance of the public service pension fund, plus the RCMP and Canadian forces pension funds.

A large number of people, most if not all Canadians, will be affected by the actuarial information which decides things like contribution rates and the investment priorities of these boards in years to come. It is critically important that the government and all Canadians have information available to them, free from interference by political masters of the day of whatever party. The chief actuary must be free to give information, both publicly and in private to ministers, that is not coerced or changed to meet someone's political agenda.

One would think that is obvious, but it was not so obvious when the last chief actuary, Mr. Bernard Dussault, was to give a major report on the Canada pension plan back in 1998 and was fired by the government because he refused to put an optimistic spin on the CPP projections. One might say that maybe it was just sour grapes, but in October of 2002 this man was awarded a compensation package for wrongful dismissal. In other words, he was fired from his job which he was doing. He was perfectly capable of giving good information. An actuary's entire reputation is built upon the accurate information he or she gives to ministers and others. For refusing to bend the political will of the department of the member for LaSalle—Émard, he was fired from his job. That is why we need an independent chief actuary.

I think all Canadians and people in the western world understand why this is important. It is important in the wake of Enron, for example. Why should the Enron example teach us something? It should teach us what it taught the Enron board members who were in charge of making public presentations of facts so that people could make investment decisions. This is a quote from the ruling on Enron's board:

[They] could have prevented many of the risky accounting practices, conflicts of interest, and hiding of debt that led to the company's implosion simply by asking some obvious questions [and making those public].

Enronitis, as we call it, is a failure to trust public companies, public pensions and publicly managed affairs because of a failure to have information available to the public that they can trust.

We can see what happens when we do not have an independent oversight into government systems. Mr. Dussault was fired because the government simply did not like his report, did not think it optimistic enough. The government wanted to ram through some legislation so he was let go on the eve of tabling a report that would contradict the finance minister, the member for LaSalle—Émard, and his department.

• (1820)

We see other improperly managed, I guess one might want to say, oversight positions like the ethics counsellor. There is a difference with an independent ethics counsellor who would report to Parliament, who would not be swayed by prime ministerial initiative, who would complete independence and who would not there at the pleasure of the Prime Minister but would be there because he or she would be appointed by Parliament and would report back to Parliament. The current ethics counsellor of course has no such trust from the Canadian people.

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Even though often I suppose he will give a good report, no one believes it because he does not report independently. He is not appointed independently. His word therefore is always suspect. He might be a good guy, he might have some good reports and might even have some good advice from time to time. However the fact that the position is not independent, does not report to Parliament and is not free from political influence makes people question the judgment.

It is just as the actuary in charge of pensions for the people in television land, the future of RCMP pensions and basically retirement futures is subject right now to political influence. That should not be. That is why this act should pass and we should have an independent chief actuary.

The fact even that the scandals that have been dealt with by the ethics counsellor will not go away should be enough evidence for members of Parliament to say that the best way to clear the name of whether it be the Minister of Finance, the Prime Minister or other people in cabinet, is to have independent people who report to Parliament, not to the Prime Minister.

Every time someone is hired by the Prime Minister and must report to the Prime Minister, that person is doing the Prime Minister's bidding. When we have someone hired by Parliament and who reports to Parliament, he or she is doing Parliament's bidding. That is why the chief actuary should be hired under an act of Parliament to create the position, independent of political influence and be able to report without fear of retribution from any prime minister or any finance minister on the facts of the day.

Having independence in reporting, when it does work well, affirms people's trust in the government and in whatever is being reported. I would point to numerous examples from the Auditor General. We can take a pick. I just pulled a few out. The Auditor General can speak freely. There is not much we can do to get at the Auditor General who is appointed by Parliament and reports to Parliament in a public manner.

When the auditor slams, for example, the process for appointing directors to crown corporations, like the auditor did back in February 2002, the audit is publicized. That report said that the monitoring of nuclear reactors in Canada was unacceptable. The way the Canadian Food Inspection Agency was managed and the way it gathered information was unacceptable. The workforce crisis was a failure of the government to address concerns of the public service and the people who they served, the public.

On and on it goes. There is no fear of retribution. In those days the auditor could speak his mind. The current person in charge of that can speak her mind without fear of retribution. There is not much the government can do to get at her. Her report is public. It is her job. It is done freely. It might be criticized by the government but there is not much it can do. People have faith in that system because it is independent of political interference.

There are lots of things that are political in nature. The choice of legislation before the House is political. That is fine. The priorities of the government are political decisions. The effort to redefine marriage is a political decision by the federal government. That is its

decision to take. I do not like it, I think it is making a big mistake but that is a political decision.

Something like the actuarial statements before the Canadian people must be free of political interference just like the person who audits, for example, the employment insurance surplus must be free to say, as he has done in the past, that there is more than enough money in that fund now and that it is time to wrap it up. In fact the chief actuary at human resources development said that it was time to quit padding the books with more money and that too much was being charged for the EI surplus. That person must have the freedom to speak openly without fear of retribution.

• (1825)

I will wrap up by saying that the creation of the position of chief actuary independent of any minister of the Crown will give Canadians the assurance that down the road they will be able to get a pension that they paid into and one on which they count. That is why the bill should be passed as quickly as possible and put in position before the next federal election.

[*Translation*]

Ms. Pauline Picard (Drummond, BQ): Mr. Speaker, this is my first speech since the summer vacation ended and I am pleased to speak today on the bill presented by the hon. member for Calgary—Nose Hill, and by the way, offer her my congratulations on her initiative.

The purpose of this bill is to establish the Office of the Chief Actuary of Canada. This bill would give the Chief Actuary the same status as a senior official, acting independently and reporting directly to Parliament, just as the Auditor General does.

Basically, the purpose of Bill C-421 is to make the administration of the federal government even more transparent. During the first hour of debate, before the summer holiday, the parliamentary secretary gave us all a good laugh about the confidence Canadians have in their pension system.

But once upon a time, these same Canadians, and those who interest me most, the Quebeckers, had confidence in the employment insurance program.

However, the current state of the employment insurance fund is now known. An accounting process was used to literally make off with \$46 billion from the fund and reallocate it to all kinds of things, and benefits and programs have been cut. The fund's programs have been completely eliminated. As a result, the confidence of Canadians in the pension system has been greatly reduced.

Not much more can be said today, as I mentioned, when fewer and fewer contributors are eligible for benefits, because this government has decided to restrict the eligibility criteria, continue to maintain premiums at levels beyond the fund's needs and dip into the fund's surplus to fund its other budget operations. I gave an example of this earlier.

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What people need to remember is that the hon. member for Saint-Maurice, who is preparing to step down as Prime Minister, and the hon. member for LaSalle—Émard, the future Prime Minister, are the ones responsible for the financial disaster the government currently finds itself in.

Not so long ago, shortly before I was elected, we had the unemployment insurance system. Today, it is called employment insurance. The main purpose of unemployment insurance and the unemployment insurance fund was to provide workers who had lost their job with replacement income to help tide them over. This is no longer true. Consequently, we believe that an actuary would provide Canadians and Quebecers with greater transparency.

If we had an independent fund and an actuary who answered to Parliament, \$46 billion—soon to be \$58 billion—would not have been diverted from a fund intended to provide workers with a replacement income.

The pension system needs an actuary to ensure greater transparency for Canadians and Quebecers.

The Bloc Québécois has said it numerous times, and I will say it again today, due to the political decisions of the Liberals, workers are no longer guaranteed access to a suitable employment insurance system, not to mention the fact that the fund will not be used for other means.

Members of the Standing Committee on Finance called on numerous occasions on the finance minister and his parliamentary secretary to justify the employment insurance fund contribution rate, a rate we feel is far higher than it needs to be, as proven by the surplus it accumulates year after year.

• (1830)

The response we got, on two separate occasions, was that this year income was going to be offset by expenditures.

It seems that there may be a flagrant lack of communication within this government, when the Minister of Human Resources Development maintains that there will be a surplus again this year, one that will be close to \$3 billion. Obviously, there is a problem.

As for the bill before the House, I fail to see how the government could object to it. With the odour of scandal hanging yet again in the air, it has every interest in creating all the conditions necessary to ensure that there is indeed transparency, and not just lip service to it in speeches.

So that is what Bill C-421 is about. I feel it is a very good means of ensuring greater transparency and reassuring the people of Quebec and of Canada about their pension plan.

I believe that public servants need to be responsible for what they do on behalf of the state, and that the Liberal government must also raise its level of accountability with respect to its programs. This has already been mentioned by the member for Calgary—Nose Hill in introducing this bill, with the strong backing of the Canadian Institute of Actuaries. I wish to assure her of the support of the Bloc Québécois.

[English]

Mr. Scott Brison (Kings—Hants, PC): Mr. Speaker, it is a pleasure to speak to Bill C-421 whose purpose is to provide for an independent chief actuary who would report directly to the House of Commons.

I remember, as many members of the House will remember, back to 1998 when Bernard Dussault was fired by the superintendent of the Office of the Superintendent of Financial Institutions, OSFI, just weeks before he was to give a major report on the Canada pension plan. The firing of the former chief actuary highlights the need for greater autonomy in the office of the chief actuary. He sued for wrongful dismissal, claiming he was fired for refusing to put an optimistic spin on government CPP projections. He said that he was fired because he refused to keep projections for CPP premiums under 10%. That was a case where the chief actuary was about to contradict the then finance minister, the hon. member for LaSalle—Émard, who at that time had drawn 9.9% as the line in the actuarial sand.

Mr. Dussault said that OSFI had asked on at least two occasions to change the figure so as not to embarrass the minister. As such, according to Mr. Dussault, he refused to succumb to such pressure and was fired. Last October, the government paid Mr. Dussault \$364,000 in compensation for wrongful dismissal. What a waste of taxpayers' money.

All of this, the application of pressure to massage figures in order to avoid political embarrassment, transpired from direct political interference. To what extent the former minister was aware of what was going on perhaps we will never know, but the fact is that Parliament does need a referee who can call political interference from time to time.

The government's position on the bill is that we have ministerial accountability. The government has made a mockery out of the notion of ministerial accountability. In fact, no government in the history of Canada has done more to undermine the principle of ministerial accountability, which is a cornerstone of Parliament, than this government with the endless scandals and cover ups associated with it, whether it is HRDC, the sponsorship scandal or the Grand-Mère scandal. Again, the police in Toronto have identified more problems in HRDC. This is after \$50 million was spent on an internal audit program designed to identify these sorts of problems.

It was not that audit program that identified the most recent issues with HRDC; it was the police in Toronto. In public works, we now see an investigation into the Liberal Party around the sponsorship program. It is little wonder that we do not have enough RCMP policing the streets of Canada when it is too busy policing the Liberal Party of Canada and the Department of Human Resources Development.

The fact is that the Prime Minister has set the ethical bar very low and the ministers continue to limbo under it. We need greater accountability to Parliament. It would make a great deal of sense to have the chief actuary report directly to Parliament. Furthermore, to have a chief actuary reporting directly to Parliament would benefit members on both sides of the House.

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Many Liberal backbenchers ought to also consider it from the perspective that there is in fact more to empower individual members of Parliament and as such, diminish the stranglehold on power that the PMO currently has. Strengthening the House and individual members of Parliament ultimately strengthens democracy because we have more ability to represent effectively the people who put us here.

An independent chief actuary reporting directly to the House of Commons is a good idea that I support strongly.

• (1835)

Ms. Judy Wasylycia-Leis (Winnipeg North Centre, NDP): Mr. Speaker, I am pleased to participate in the debate on Bill C-421 which has been introduced by the member for Calgary—Nose Hill. I want to congratulate her, as some of my other colleagues have done today, for her initiative in bringing this matter before the House.

I believe that this is a long overdue and most welcome proposition for the House to consider. I certainly want to indicate my strong support for the bill. The Alliance and New Democrats may disagree on many issues, but today we stand together on the need for an independent chief actuary appointed by the House, directly reporting to the House, not to the government of the day, not to the Prime Minister's Office, and not to unelected officials, but to members of Parliament who are responsible for the well-being and welfare of Canadians, particularly when it comes to an issue of vital importance, that of pensions and security in old age.

My colleague, the finance critic for the Conservatives, talked about the stranglehold of power in the PMO. I agree with him on that point and say that here we have an idea, a well thought out proposition in the form of well constructed legislation that ought to be supported by all in the House.

I know this is a private member's bill and we are looking for individual support, but I would hope that members on the Liberal side would see this as an important contribution to the whole area of public policy and to the work that they should be doing as government of the land.

I want to address my support for the bill from several different perspectives. We must acknowledge in the House the shift within this institution toward officers who are appointed by Parliament and accountable to the House of Commons. A few years ago no officers reported directly to Parliament. Since then there has been a shift and a change, and a new trend has been set.

Today we have the Chief Electoral Officer reporting to Parliament at great distance from the notion of any political interference. This is important in terms of the electoral process in the country today. We have the Auditor General of this institution reporting directly to Parliament as an independent officer of the House.

There is no question around the positive impact that an independent position has in terms of our confidence in the system and in the scrutiny of the government but also, and I think other members have said this in the debate earlier, in terms of the confidence of Canadians in the function of this place from the point of view of accountability, transparency, integrity and honesty.

Therefore, it is important to acknowledge what has transpired in Parliament over the years on this front and what still needs to happen. Let us also keep in mind that the Commissioner of Official Languages is an independent officer reporting directly to Parliament. So we have had some movement in recent times.

We have also had some controversy over those officers who are neither independent nor appointed by Parliament. There are still questions around political interference and influence. Many members in the debate have focused on some of the controversy surrounding the ethics counsellor, a position that to this day is still appointed by the Prime Minister and is seen often as a rubber stamp of the Prime Minister and representing that stranglehold over decision making coming from the PMO. We have had all kinds of controversy dealing with Shawinigate and Canada Steamship Lines, the latter involving the former finance minister of the House.

• (1840)

We have had allegations and controversies surrounding the sponsorship ads involving the public works ministers, of course starting with Alfonso Gagliano. There have been questions and concerns raised about the ability of the ethics counsellor appointed by the Prime Minister to adequately scrutinize scandals in those areas and to provide objective analysis and recommendations. We also, of course, and I do not need to go into this today at any great length, have had enormous controversy around the privacy commissioner. There are many lessons to be learned from these developments.

Today we are dealing with the question of an independent chief actuary of Canada, a position, an individual who has responsibility to give actuarial information concerning the Canada Pension Plan, to give information and advice around the investments of the CPP Investment Board and the performance of the public service pension fund as well as the RCMP and the Canadian Forces pension funds.

I am referencing the work done by the member for Calgary—Nose Hill in describing the work of the chief actuary and laying the groundwork for the need to make this position absolutely an independently appointed person reporting to the House free from any kind of political influence. At no time has this been more important than today given people's uncertainty and concerns around the future of their pension funds.

We can just refer to recent findings published in the last week or so by Statistics Canada showing that one-third of Canadians from the ages of 45 to 59 years of age face an uncertain retirement future. They believe they face an uncertain retirement future. They believe their retirement incomes will be inadequate. The study went on to show that in fact the greatest concern was among Canadians who were without private pension plans. This is very important information relevant to the debate at hand and is reinforcement for why the position we are talking about has to be independent.

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The concerns raised by Canadians may be fed by a lot of uncertainty and false fear spread by private corporate interests and think-tanks: that in fact public pensions will collapse under the weight of the baby boomers. All kinds of information may not be founded in fact and may in fact be inaccurate in terms of the analysis, but needless to say, those kinds of fears tell all of us we have to make sure that Canadians trust the information they are getting and that they are given absolute assurances that their pension funds and their retirement are secure.

Finally, let me point out how important the independence of this position is with respect to the CPP Investment Board. We have had recent concerns raised about the fact that the board is investing on the open market, in the stock exchange, and it has been reported that the board often loses great sums of money in terms of investment of Canadians' pension funds. Today it may be in the black, but that could change.

Finally, I want to point out why that could change and why we need this kind of independent scrutiny. Canadians get very nervous when they read, as they have done today in newspapers across this country, that the foreign Texas Pacific Group, in its effort to purchase Air Canada, "has wooed the Canada Pension Plan Investment Board and other institutions about participating in a multibillion dollar fund that would invest in distressed companies". We all get very nervous reading that this kind of development is taking place, as well as reading that the largest public pension fund in the United States, the California Public Employees' Retirement System, has had to sue a major corporation for losses it alleges resulted from "sham" transactions.

Enough said in terms of our worries and in terms of Canadians' fears. Let us get on with this very important legislative proposal.

● (1845)

Mr. Monte Solberg (Medicine Hat, Canadian Alliance): Mr. Speaker, it is my pleasure to rise to debate this bill, which we hope will be something that the House adopts as legislation. I want to congratulate my friend from Calgary—Nose Hill for bringing this bill forward. This is an excellent initiative.

The idea behind it is simply this. It is the member's opinion and my opinion that in a modern government it is very important to have checks and balances on government. In a world where people are less than perfect, we all know that from time to time people tend to play fast and loose with the rules in some cases. In some cases they tend to use things that are designed to serve the public for their own benefit, either their political benefit or, in some cases, even their personal benefit.

We know very well that even today there are a number of people who have been dismissed at Human Resources Development because of allegations surrounding their misuse of taxpayers' money. The police are involved. We have the Liberal Party being investigated for problems with their Quebec wing having to do with funny dealings with the use of taxpayers' money.

So it is entirely appropriate that we look for checks and balances, for ways to ensure that money designated for a specific purpose is used in a very specific way.

In this instance, what we are talking about is sort of a derivation of that. What we are talking about is ensuring that information about pools of money that belong to the taxpayers is true information, that the information is not coloured by people who want to play politics, who are concerned that if there is less money there than they would have the public believe it could somehow harm them politically.

I want to remind the House that there is an incident that really drove all of this, which my friend from Calgary—Nose Hill referred to in her speech some time ago. It goes back to 1998 and the chief actuary of the Canada pension plan.

I should mention that what we are proposing is that there be an independent chief actuary, that the person who oversees the Canada pension plan account is an independently appointed actuary, someone who makes judgments based only on actuarial science. What we do not want is somebody put in place by an elected official, somebody who can be influenced by that elected official in such a way as to colour their judgment and colour their reporting of what is actually going on, in this case with Canada pension plan.

The incident I was referring to goes back to 1998 when Bernard Dussault, the chief actuary of the Canada pension plan, was preparing to bring forward his report on the state of the Canada pension plan. We believe that as he was preparing to do so he was about to reveal that in regard to the hike in CPP premiums the member for LaSalle—Émard, the finance minister at the time, brought forward, which raised CPP premiums from 5% of salary up to 9.9% of salary, the minister was understating how high the premiums ultimately would have to go historically in order to curry political favour. We believe that the actuary at the time, Mr. Dussault, was about to report that in fact there were not significant or enough reserves in the CPP account to cover the outlay of benefits through that period of time in our very near future, when we are going to face a very big crunch when it comes to handing out CPP benefits to millions of baby boom Canadians who will be hitting their retirement years.

We found it very suspicious when we heard the premiums were going to 9.9% and not 10%. It sounded like a price point to me and I think a lot of people had that suspicion. As I recall, at the time there were a lot of questions asked.

● (1850)

It seemed very obvious that Mr. Dussault was going to report that in fact the reserves were not adequate and that the premiums would have to go higher than the member for LaSalle—Émard, the former finance minister, had indicated. As a result of that, a few weeks before he was about to report, he was fired. We think that was very suspicious. We think it was politically motivated. We think he was going to report that the finance minister was being less than forthcoming with the real state of the Canada pension plan and therefore he was let go. That is unbelievably dangerous. It is a threat to all the various types of funds that governments set aside supposedly for the well-being of the public.

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There are many examples of where governments have raided funds, such as the employment insurance account where the government raided \$45 billion out of it. It is now at the point where Canadians are understandably disturbed that they pay very high premiums into what is essentially a fictional account only to find out that the government has taken all the money, has already spent it, and there is no big, fat reserve sitting there for that time when ultimately the economy will go into a recession again and there will be lay-offs. That money will have to come from somewhere.

People have cause to be concerned about the fact that governments play fast and loose with accounts. They play fast and loose with numbers. Therefore we want an independent authority not appointed by the finance minister in this case or by the government of the day, but somebody appointed independently and who sits, like the Auditor General for instance, at arm's length from government. They would be an officer of Parliament, somebody who would make judgments on these types of things and not have their independence called into question. Frankly, I think that is what occurred with the firing of Mr. Dussault a number of years ago. This motion is entirely appropriate.

There are other examples too. The public service pension plan was raided a number of years ago. If I recall, \$20 billion was taken out of that account. This is another example of how governments again play very fast and loose with other people's money for political benefit. The government used it to pay down some debt and that kind of thing which everyone is in favour of because we want to pay down the debt, but is it really appropriate to raid other people's money to go ahead and do that? I would answer no.

We need people in place who are independent, professionals in their field, who are officers of Parliament, and who can make judgments about these things that everyone will respect and nobody will question their independence. That is what is missing right now when it comes to the chief actuary of the Canada pension plan and some of the other pension programs.

That is what we are asking for. In a day and age when we see far too many ethical problems in the government, to pass this motion would send a very powerful and positive message. That is why I encourage members on all sides to give this some serious regard. They should think of it not only as passing a motion that is good in and of itself, but they should think of it also as a way to reaffirm some confidence in Parliament at a time when there are a lot of ethical questions out there about how Parliament spends its money and how it conducts itself.

This is a chance to flatter Parliament. It is a chance to show that parliamentarians can do something in the interests of Canadians and do something to voluntarily limit their own ability to politically influence those people who should be at arm's length from government.

Let us strike a blow in this case for a check on government. Let us strike a blow for what is right and correct for all Canadians.

•(1855)

Mrs. Diane Ablonczy (Calgary—Nose Hill, Canadian Alliance): Mr. Speaker, I would like to thank my colleagues from all parties who have spoken on this matter. Clearly stated, as members

of Parliament we want to see more independence in these important watchdog activities.

I would like to read some headlines: "pension plan deficits demand attention", September 1, 2003, *Ottawa Business Journal* staff byline; "retirement worries rife among middle aged", from the *Toronto Star* September 2 of this year; "Drain France's pension time bomb", from April 2002. Other countries are aging faster than Canada and their pension time bomb is starting to blow up. Our time bomb is just ticking.

Then we have "pension plan liabilities Increased in all markets" from the business editors in New York. We have U.K. headlines about "plans needed to protect pension holders"; and on and on it goes.

In the few minutes I have I would like to address the argument that the government puts forward that somehow, after Mr. Dussault was fired and said publicly that it was because he refused to fudge the numbers for the finance minister and the finance department, a new structure was put into place and now everything is okay.

The fact is that this new structure falls far short of independence for the chief actuary. The chief actuary, instead of being an independent officer of Parliament, still reports and is accountable to the finance minister and can be fired by the finance minister at the whim of the decision of the finance minister without Parliament being involved in any way. The finance minister put in a new procedure whereby he gets a report from the chief actuary but also picks a panel of other actuaries that in effect second guesses what the chief actuary says.

Let us think about how this will work. The chief actuary makes all these calculations based on a huge amount of knowledge and decisions about trends in society and there is an element of professional judgment involved. However judgment can always be second guessed. Then the finance minister sets up another panel of hand-picked actuaries who the finance minister pays, undoubtedly good and capable actuaries but again beholden to the finance minister for this appointment and pay. However that panel second guesses the chief actuary. What can the chief actuary do? Obviously this puts a real damper on the free and fair exercise of his discretion, and that is not acceptable.

We know the government leans on its appointees, on the people it hires. One only has to look at what the Prime Minister did to the president of the Business Development Bank. He forced him to accept a loan that the president knew was bad. When the loan did go bad and the president wanted to foreclose, the Prime Minister fired him. This government has that kind of a record with the people it hires to do jobs on behalf of Canadians.

Adjournment Debate

This independence is absolutely critical if we are going to have full and independent judgment like the Auditor General has. This is a watchdog who is respected because the government does not own that individual. It does not choose nor pay that individual in the sense that it can hire or fire the individual. It is Parliament that has that oversight.

It is critical that we understand that the government's arguments that this new procedure of a panel to second guess the chief actuary is not good enough. It is not even close to independence. We must put a procedure in place that will guard our pensions, the future retirement security of Canadians, and that means passing this bill to ensure that the chief actuary is fully independent reporting only to Parliament.

• (1900)

The Deputy Speaker: Pursuant to order made earlier today, the question is deemed put and the recorded division is deemed requested and deferred until Wednesday, September 17 at 5:30 p.m. [Translation]

ADJOURNMENT PROCEEDINGS

A motion to adjourn the House under Standing Order 38 deemed to have been moved

[English]

HEALTH

Mr. Svend Robinson (Burnaby—Douglas, NDP): Mr. Speaker, there can be no more fundamental right for consumers than the right to know what is in the food they eat and yet this basic right continues to be denied to Canadian consumers.

In March of this year I asked a question of the Minister of Industry. It was answered by the Minister of Health. I pointed out that over three years ago the Minister of Industry set up an industry dominated task force to write its own rules for voluntary labelling of genetically engineered food. It was a group that was set up by the Canadian General Standards Board, and it was basically an industry run body. Earlier this year, the head of that group admitted that it was going nowhere and that it was basically a farce.

I called on the government at that time to recognize that over 80% of Canadians wanted to know what was in the food they ate and I urged the government to agree to the mandatory labelling of genetically engineered foods.

Instead of responding that, yes, the government was prepared to move ahead on that, the Minister of Health told the House that “we have voluntary labelling requirements” and, “we were trying to figure out if agreement could be reached around mandatory labelling”.

Of course the minister was completely wrong on that. We do not even have voluntary labelling requirements today, let alone mandatory.

In July of this year, a couple of months after that process obviously was going nowhere, the Consumers Association of Canada withdrew from the committee that was working on the

standard for voluntary labelling of genetically engineered foods because it said that the standard was so weak that it would not represent consumer concerns. The process has lost any vestiges of integrity.

I would point out that this process was set up in response to a motion by the member for Davenport who came before the House of Commons which effectively called for mandatory labelling. Instead, four ministers of the Liberal government wrote a letter to members of Parliament saying that the government would have a serious, in-depth study of the issue. That study has never taken place. In fact, it was Liberal members of the committee, together with the Canadian Alliance, who subverted that study when I tried to have the committee move ahead on it.

The president of the Consumers Association of Canada said:

Canadian consumers deserve to know whether or not their food contains genetically modified foods and they deserve a strong mandatory standard that holds industry accountable. The committee has been developing a voluntary standard that may satisfy industry, but does not meet the needs of consumers.

This so-called voluntary standard would have allowed 5% as opposed to 1% in the European Union, and other provisions as well that were quite unacceptable.

Today I am once again calling upon the government to do the right thing, to recognize that its so-called voluntary process, which is an industry driven process, is going nowhere, to allow for consumers to know what is in the food they eat and to recognize that we have the right to mandatory labelling of genetically modified foods.

• (1905)

[Translation]

Mr. Jeannot Castonguay (Parliamentary Secretary to the Minister of Health, Lib.): Mr. Speaker, it should be noted that the task force my hon. colleague mentioned in his question of March 25—he well remembers, as do I—worked extremely hard to develop regulations for the voluntary labelling of genetically engineered food. I am pleased to advise him also that the committee members, finally, have reached a general consensus. Their work will now be submitted to the Canadian General Standards Board.

Although the hon. member's concerns relate, in particular, to labelling, I am going to address first the regulation of genetically engineered food, because food safety and demands for mandatory labelling are often connected, as the member well knows.

Health Canada has implemented a rigorous and detailed process to assess the safety of genetically engineered foods. Under the Food and Drugs Act, genetically engineered food must be inspected by Health Canada before being sold in Canada. The goal of this measure is to ensure the safety of such foods.

If concerns related to food safety are identified, these foods are simply not approved for sale.

Health Canada and the Canadian Food Inspection Agency share responsibility for issuing policies on food labelling under the Food and Drugs Act.

Adjournment Debate

Whenever Health Canada's safety assessments identify health issues that could be addressed by labelling, the department will require special labelling intended to alert consumers. Labelling for safety reasons remains the government's first priority.

The Government of Canada also recognizes that labelling of genetically modified foods has become an important issue for consumers and a means of expressing their opinions in the market place.

By adhering to the government's response to the report of the Standing Committee on Agriculture and Agri-Food, we are continuing to contribute to the work of the Canadian General Standards Board and the Canadian Council of Grocery Distributors.

We anticipate that the standards will provide adequate labelling guidelines to the food and manufacturing industry, in order to provide consumers with access to up to date information that will help them choose their products. It does not matter whether this system is obligatory or optional; standards are needed.

We are committed to continuing to improve the information we provide to the public on the regulation of genetically modified foods.

On the Health Canada web site, we are providing general information on biotechnology, as well as answers in the frequently asked questions section.

We have also added specific summaries on each decision respecting a genetically modified food. We are currently working on enhancing the transparency of the system, in response to recommendations from the Royal Society Expert Panel on the Future of Food Biotechnology and our action plan in response to the recommendations.

The industry has worked with us in connection with the publication of supplementary information relating to these proposals.

As well, since last year Health Canada has been holding information sessions for public health officers and other groups from all over Canada in order to increase their awareness and understanding of the regulations and of food safety assessment. These are often the people to whom members of the public go for such information.

In conclusion, Health Canada is determined to continue to honour its commitment to constantly improve the system. We will therefore be working, in Canada and on the international level, with specialists and other regulatory bodies, on food safety assessment, based on scientific knowledge, and will also be working on ensuring that information is made available.

• (1910)

Mr. Svend Robinson: Mr. Speaker, the parliamentary secretary talked about the importance of consumer choice. How can consumers choose if they are not entitled to know exactly what is in their food, if we do not have mandatory labelling?

[English]

That right is fundamental. I want to point out that in a study that was prepared for the Department of Agriculture and Agri-Food earlier this year, the scientists noted that "Consumers are becoming more worried that they can't distinguish between GE and non-GE

products". They pointed out that "these concerns could precipitate a loss of confidence in the integrity of the Canadian food system" and could also affect our international markets.

I would point out that consumers were grossly underrepresented in this Canadian General Standards Board committee. There were only four groups representing consumers and one of them pulled out. From the perspective of consumers and from the perspective of our markets and our farmers, it is long overdue that the government stop the farce of voluntary labelling and move ahead with mandatory labelling. Consumers have the right to know what is in the food they eat.

Why will the government not move ahead to respect the views of 80%-plus of Canadians in this important area?

[Translation]

Mr. Jeannot Castonguay: Mr. Speaker, from Health Canada's perspective, certainly if genetically modified food presents a health risk, it will simply not be put on the market. This is very important. And if there are problems, particularly in terms of allergies, there will be special labelling to that effect.

Following recommendations by the Standing Committee on Agriculture and Agri-Food, steps were taken to introduce voluntary labelling. It was determined that there is a lot more to this issue than meets the eye. It is not as simple as some people make it out to be at times.

In terms of the complexity of the issue, following studies done by the Standing Committee on Agriculture and Agri-Food, it was recommended that it would be best to start with a voluntary approach to labelling.

Also, it must be understood that labelling is not as simple as it might seem at first. We have to ensure that the information on the label is what people need to know. We do not want a whole litany of information on the label, just the pertinent facts. That is what we should focus on in working together to improve our system.

[English]

EMPLOYMENT INSURANCE

Mr. Jim Pankiw (Saskatoon—Humboldt, Ind.): Mr. Speaker, this is of course in follow up to a question I previously asked the Minister of Finance, to which I did not receive a satisfactory answer or explanation. Let us cut to the chase here.

The Liberal federal government is imposing a tax regime upon municipalities that extracts money out of the property tax base. It makes municipalities pay the GST. It makes them pay excise taxes on fuel. The excessive employment insurance rates of course burden every business in Canada but I am coming at this from a particular perspective.

It all sucks money out of the property tax base of municipalities and it does not make any sense to do that, does it? What it is doing is diverting money straight out of the pockets of property owners into the federal government's coffers. What happens is that the money is then used to pay for Tequila Sheila's programs. Okay, that is off base a little bit.

Adjournment Debate

•(1915)

The Deputy Speaker: Order. I remind the member to be judicious and certainly not to make any reference to anyone unless it is by their portfolio or their riding.

Mr. Jim Pankiw: Fair enough, Mr. Speaker.

I will use a different example for my point. The firearms registry sucked a billion dollars right out of the pockets of property owners in Saskatchewan. It was sent to Ottawa so the government can impose its stupid program upon us.

This is very serious. It is sucking money out of our properties and using it to fund socialist programs. I want a decent answer this time.

Mr. Geoff Regan (Parliamentary Secretary to the Leader of the Government in the House of Commons, Lib.): Mr. Speaker, I am pleased to respond on behalf of my colleague, the Parliamentary Secretary to the Minister of Finance.

The member's question was illogical when he first asked it in the House and it continues to be an ill-constructed sophistry.

I want to make it clear that municipalities are treated no differently than any other employers. All workers and employers are required by the Employment Insurance Act to contribute EI premiums on all insurable earnings up to an annual maximum.

The fact that the municipality as the employer raises revenues through property taxes is completely irrelevant. Municipalities are treated like any other employer.

Indeed, I would like to take the opportunity to point out that municipalities, like all other employers, have benefited from nine consecutive years of EI premium reductions. The government even reduced the premium rate for 2003 to \$2.10 from \$2.20.

As to legislation implemented in budget 2003, it set the 2004 premium rate at \$1.98. This will mean savings for employers and employees of \$1.1 billion next year compared to this year. This will represent the 10th consecutive annual reduction in EI premiums since 1994 and will result in savings to employees and employers, including municipalities, of \$9.7 million next year compared to the 1994 rate of \$3.07.

In conclusion, I want to reiterate that the EI program treats municipalities the same as any other employer.

Mr. Jim Pankiw: Mr. Speaker, he is ducking the question. He is avoiding the issue. The fact of the matter is that the federal government's policies of excessive EI premiums, applying the GST and excise fuel taxes to municipalities sucks money out of the property tax base. Property taxes are supposed to be used to service the property. It does not make sense. He is ducking the question. He is ducking the issue.

The fact of the matter is that as a property owner in Saskatoon, I find my money from my property going off to Ottawa. That is wrong and he knows it.

I would like him to address the issue, quit giving me all his statistics and answer the question. Why does he think it is appropriate that we could divert taxes from property in Saskatchewan into Ottawa so that the government can waste it on its socialist programs? It does not make any sense and it is unjustified, definitely.

I would like him to please answer the question directly.

Mr. Geoff Regan: Mr. Speaker, if he is against an employer, in this case municipalities, having to pay EI premiums, perhaps it is because he is against the whole program of employment insurance. He is against the idea that municipal employees should have this employment insurance and should be protected from losing their employment and having the benefit of having employment insurance. He is against that obviously, because how else is it going to work?

It is his former party that is always talking about the need to have the EI system more like regular insurance where everyone pays in and if they become unemployed, they receive benefits. How could that be done if all employers did not pay in?

As I said at the beginning, this argument, this question, is completely illogical.

•(1920)

[*Translation*]

The Deputy Speaker: The motion to adjourn the House is now deemed to have been adopted. This House stands adjourned until tomorrow at 2 p.m., pursuant to Standing Order 24.

(The House adjourned at 7.20 p.m.)

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